

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A72-10488**  
Date Received: 1/12/1990  
Receipt No: C013965  
Received By: See

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: THOMPSON CREEK MINING COMPANY 208-838-2200  
Address: C/O BERT DOUGHTY  
PO BOX 62  
CLAYTON ID 83227

2. Date of Priority: MAY 24, 1888

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 11N      | 16E   | 26      | NE     | SE     |     |     | CUSTER |

5. Description of diverting works:  
ROCK WING DAM WITH WOODEN HEADGATE TO EARTHEN DITCH.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.720 |      |        |

7. Total Quantity Appropriated is:  
0.720 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 20.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 11N      | 16E   | 25      | SE     | SE  |     | IRR | 8.0   |

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NOV 01 1994

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 8.0   |
|          |       |         |            |     | Total Acres   | 8.0   |

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
NONE

14. Remarks:

SEE EXHIBIT B - COPY OF THE POSTED NOTICE FOR THIS WATER RIGHT.

15. Basis of Claim: POSTED NOTICE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake Riv Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and p a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Organizations:**

I do solemnly swear or affirm that I am \_\_\_\_\_ of  
\_\_\_\_\_  
Title  
\_\_\_\_\_, that I have signed the foregoing  
Organization  
document in the space below as \_\_\_\_\_ of  
\_\_\_\_\_  
Title  
\_\_\_\_\_ and that the statements contained in the  
Organization  
foregoing document are true and correct.

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Title and Organization

\_\_\_\_\_  
Date  
NOV 01 1994

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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**NOV 01 1994**

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 0488 39576

Ident. Number

Date Received

Receipt Number

AMENDED

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

JAN 20 1994

Department of Water Resources  
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Thompson Creek Mining Company Phone (208) 838-2200

Mailing Address c/o Bert Doughty, P.O. Box 62, Clayton, ID Zip 83227

2. Date of Priority (Only one (1) per claim) May 24, 1888

3. Source of water supply (a) Salmon River  
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 11N Range 16E Section 26,  
1/4 of NE 1/4 of SE 1/4, Govt. Lot, B.M., County of

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. Rock wing dam with wooden headgate  
to earthen ditch.

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COPY

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 0.72 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.72 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 20.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

a. If water is for irrigation, Indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 11N | 16E |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       | 8     |       | 8      |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 8

11. In which county (ies) are lands listed above as place of use located? Custer

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
\_\_\_\_\_ or None ( )

14. Remarks: See Exhibit B - a copy of the Posted Notice for this water right.

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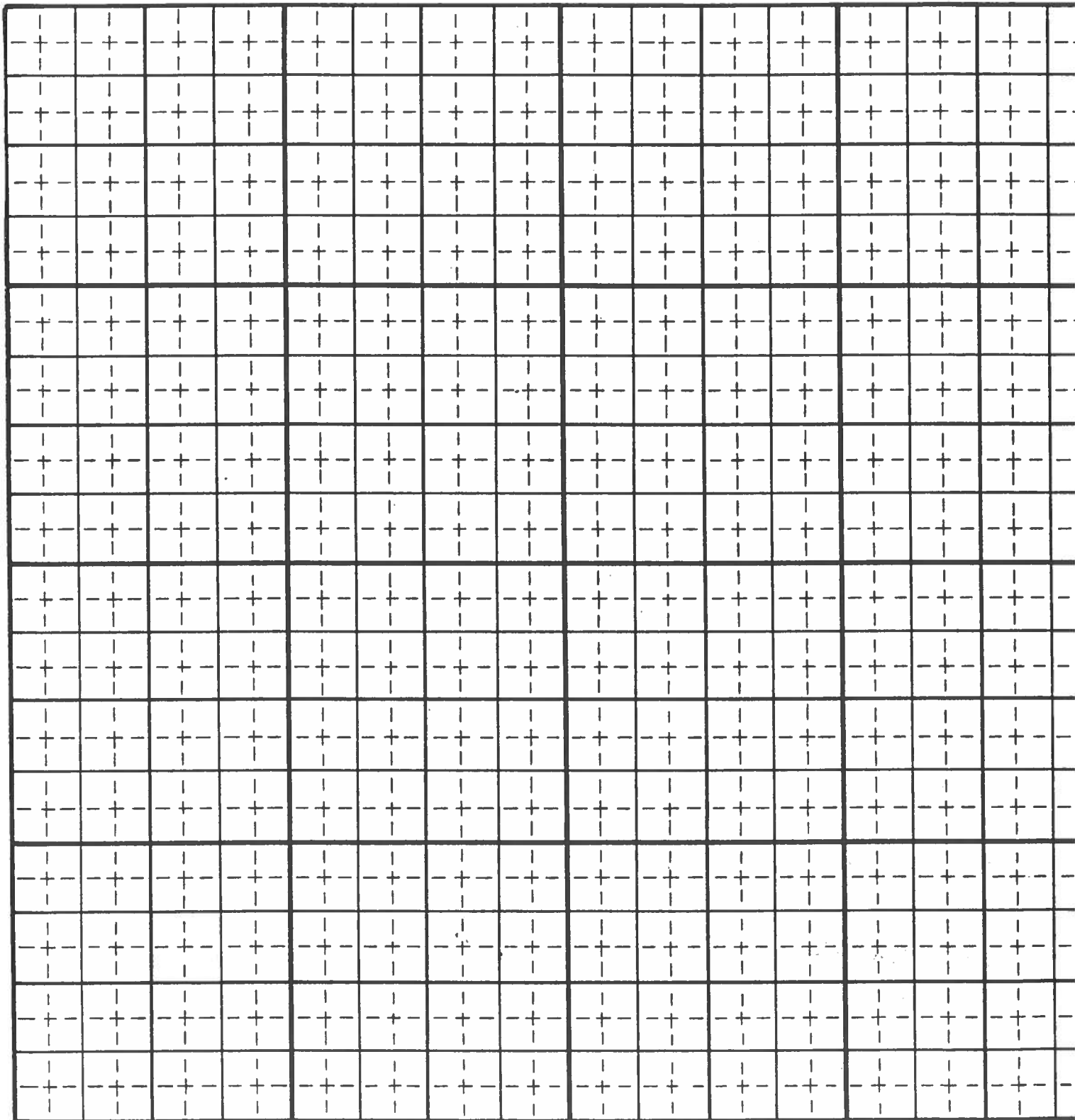
Last Name Thompson Creek Ident No. A-72-10488

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

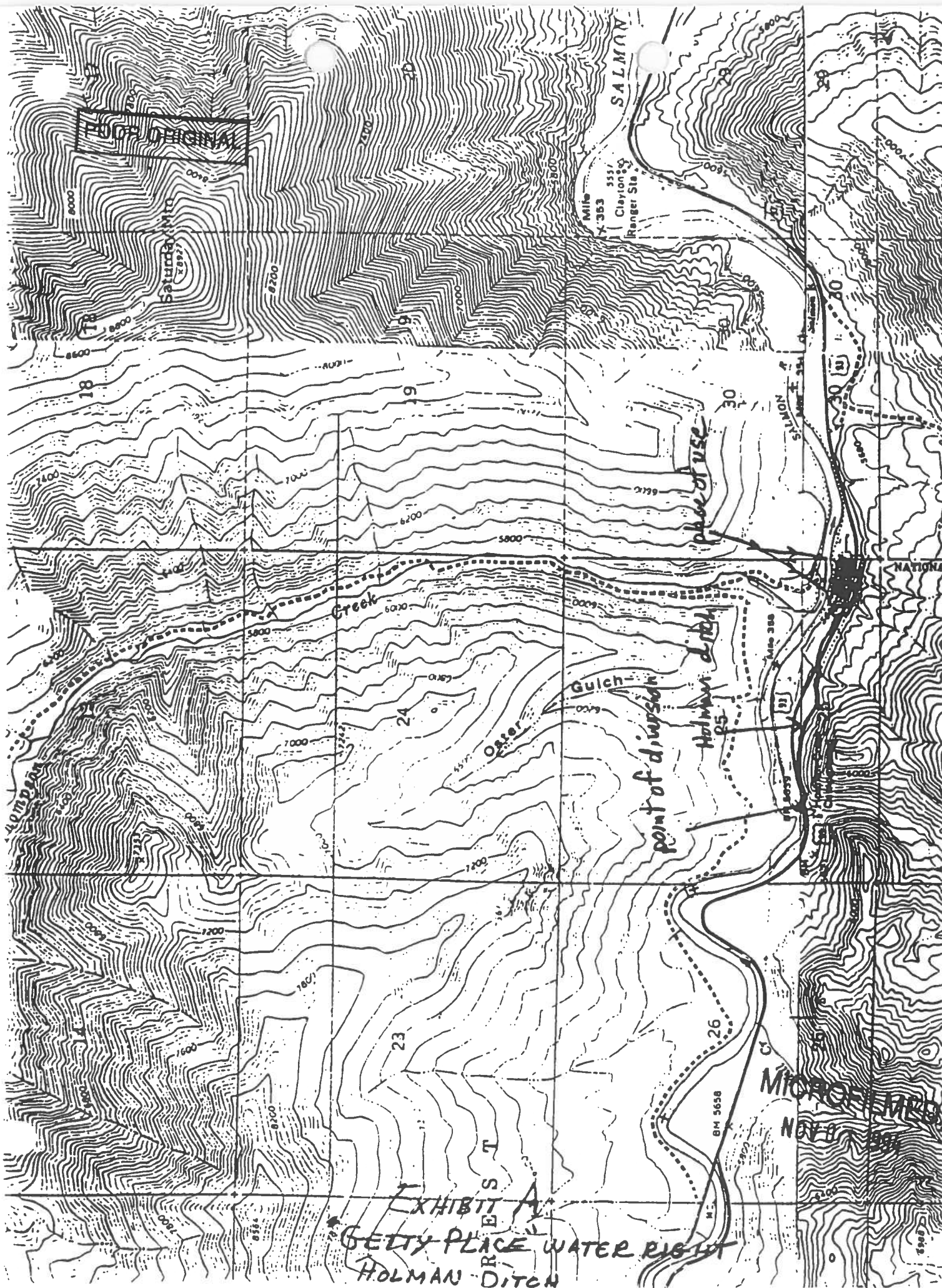
Scale: 2 inches equals 1 mile

SEE EXHIBIT A



Last Name Thompson Creek Ident No. A72-10488

Copies: White-State, Yellow-Claimant



FOOT ORIGINAL

SALMON

3551  
Clayton Co  
Ranger Sta

Creek

Gulch

point of diversion

Holman ditch

place of use

MICROFILMED  
NOV 1980

EXHIBIT A  
GETTY PLACE WATER RIGHT  
HOLMAN DITCH

15. Basis of Claim (check one) ☐ Official Use ☒ Posted Notice ☐ Permit ☐

If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments \_\_\_\_\_

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am President F. STEVEN MOONEY  
Title

of Thompson Creek Mining Company, that I have signed the foregoing  
Organization

document in the space below as President of Thompson Creek Mining Company  
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent F. Steven Mooney

Title and Organization PRESIDENT Date 14 JAN 94

State of Idaho/or Colorado )  
County of Arapahoe ) SS.

Subscribed and sworn (or affirmed) before me this 14th day of January 19 94

SEAL

Notary Public Dipie L. Shiel

Residing at 8391 E Lakewood Dr Denver CO 80231

My Commission Expires 03/1996

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Scott L. Campbell will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Scott L. Campbell

Address P.O. Box 1539, Boise, ID 83701

Date January 10, 1994

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NOV 01 1994

Last Name Thompson Creek Ident. Number A72-10488

Copies White-State, Yellow-Claimant

POOR ORIGINAL

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JAN 20 1888

Department of Water  
Southern Region

### Notice of Water Right.

Notice is hereby given to all whom it may concern that I, Albert L. Small a citizen of the United States over the age of twenty one years have this day located five 300 Hundred inches of water for farming purposes, situated about one mile above the mouth of Thompson Creek. The said Thompson Creek is about seven miles up the Salmon River from the town of Clayton, in the County of Lester Territory of Idaho.  
Located this 21<sup>st</sup> day of May A.D. 1888.

Locator, Albert L. Small.

Territory of Idaho  
County of Lester.

I, Albert L. Small do solemnly swear that I am acquainted with the Water Right described in the Notice of Location, and that the water claimed therein described or any part thereof, has not to the best of my knowledge and belief been heretofore located according to the laws of the United States and of this Territory, or has located that the same has been abandoned or forfeited by reason of the failure of such former locator to comply in respect thereto with the requirements of said laws. Subscribed and sworn to before me this 21<sup>st</sup> day of May A.D. 1888.

Albert L. Small.

J. R. Papworth.  
Justice of the Peace.

MICROFILMED  
NOV 0 1 1984

Filed for record this 18<sup>th</sup> day of June A.D. 1888 at 10 minutes past 2 o'clock A.M. and duly recorded in Book of Water Rights, at page 485. Records of the County of Lester Territory of Idaho.

J. H. Hoyer,  
Co Recorder.

RECEIVED

JAN 20 1994

Department of Water Resources  
Southern Region Office

**ELAM & BURKE**  
*A Professional Association*  
ATTORNEYS AND COUNSELORS AT LAW  
*Established in 1928*

KEY FINANCIAL CENTER  
702 WEST IDAHO  
POST OFFICE BOX 1539  
BOISE, IDAHO 83701

TELEPHONE  
208-343-5454

FACSIMILE  
208-384-5844

SCOTT L. CAMPBELL

January 19, 1994

Mr. Steve Clelland  
Senior Water Agent  
State of Idaho  
Department of Water Resources  
222 Shoshone Street East  
Twin Falls, Idaho 83301

Re: Unclaimed Portions for SRBA Claim A72-10488

Dear Steve:

I have enclosed an amended claim for Claim No. A72-10488. This claim responds to your correspondence of December 29, 1993. Please advise me if you require any additional documentation or information.

Thank you for your assistance in this matter.

Very truly yours,

ELAM & BURKE  
*A Professional Association*

  
Scott L. Campbell

SLC:ma

Enclosure

cc: Mr. Steve Mooney  
Mr. Bert Doughty

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NOV 01 1994

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JAN 11 1994

Department of Water Resource  
Southern Region Office

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*Established in 1928*

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BOISE, IDAHO 83701

TELEPHONE  
208-343-5454

FACSIMILE  
208-384-5844

SCOTT L. CAMPBELL

January 10, 1994

Mr. Steve Clelland  
Water Agent, Sr.  
State of Idaho  
Department of Water Resources  
222 Shoshone Street East  
Twin Falls, Idaho 83301

Re: Cyprus Thompson Creek Mining Co. Unclaimed Portions for SRBA Claim  
A72-10488

Dear Mr. Clelland:

This is to confirm our telephone conversation of January 10, 1994, regarding the above-referenced matter.

I received your correspondence of December 29, 1993, concerning this matter on January 10, 1994. The delay in delivery was evidently caused by the inaccurate address, listing me as an attorney with the firm of Davis Wright Tremaine. As I indicated during our telephone conversation, on November 19, 1993, I returned to the firm of Elam & Burke at the above address. I have already notified the central office of the Department of Water Resources of this change and referenced all claims filed in the name of Cyprus Thompson Creek Mining Company. Evidently that notification has not yet reached you. For all future claims filed in the name of Cyprus Thompson Creek Mining Company, please direct correspondence to me at the above address.

I will proceed to prepare and obtain the notarized signature of Mr. Steve Mooney, President of Thompson Creek Mining Company, the successor-in-interest to Cyprus Thompson Creek Mining Company. We will attempt to satisfy your request of responding by January 14, 1994 with an amended claim. However, because Mr. Mooney resides in the

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NOV 01 1994

Mr. Steve Clelland  
January 10, 1994  
Page Two

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Denver, Colorado area, we may encountered some delays in satisfying this deadline. Please notify me in writing if the deadline of January 14, 1994 must be satisfied.

Very truly yours,

ELAM & BURKE  
*A Professional Association*

  
Scott L. Campbell

SLC:ma

Mr. Steve Mooney  
Mr. Bert Doughty

**MICROFILMED**  
**NOV 01 1994**

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A72-10488  
Date Received: 1/12/1990  
Receipt No: C013965  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: CYPRUS THOMPSON CREEK MINING CO.  
Address: C/O BERT DOUGHTY  
P.O. BOX 62  
CLAYTON, ID 83227

RECEIVED  
208-838-2200

JUN 13 1990

2. Date of Priority: MAY 24, 1888

Department of Water Resources  
Southern Region Office

3. Source: SALMON RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 11N      | 16E   | 26      | NE     | SE     |        |     | CUSTER |

5. Description of diverting works:  
ROCK WING DAM WITH WOODEN HEADGATE TO EARTHEN DITCH.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.160  |      |        |

7. Total Quantity Appropriated is:  
0.160 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 20.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 11N      | 16E   | 25      | SE     | SE     |     | IRR | 8.0   |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 8.0   |
|          |       |         |            |     | Total Acres   | 8.0   |

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
NONE

14. Remarks:  
SEE EXHIBIT B - COPY OF THE POSTED NOTICE FOR THIS WATER RIGHT.

15. Basis of Claim: POSTED NOTICE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A72-10488Date Received 1-12-90Receipt Number 0013965

NOTICE OF CLAIM  
TO A  
WATER RIGHT

ACQUIRED UNDER STATE LAW

**RECEIVED**  
JAN 12 1990

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Cyprus Thompson Creek Mining Company Phone (208) 838-2200Mailing Address c/o Bert Doughty, P.O. Box 62, Clayton, ID Zip 832272. Date of Priority (Only one (1) per claim) May 24, 18883. Source of water supply (a) Salmon River  
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 11 N. Range 16 E. Section 26,  
1/4 of N.E. 1/4 of S.E. 1/4, Govt. Lot, B.M., County of

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. Rock wing dam with wooden headgate  
to earthen ditch.

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MAR 18 1993

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For irrigation purposes from April 1 to Nov. 1 amount 0.16 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.16 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 20.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP   | RNG  | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-------|------|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|       |      |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 11 N. | 16E. | 25  |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       | 8     | 8      |
|       |      |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|       |      |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|       |      |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|       |      |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|       |      |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|       |      |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 8

11. In which county (ies) are lands listed above as place of use located? Custer

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
\_\_\_\_\_ or None ( X )

14. Remarks: See Exhibit B - a copy of the Posted Notice for this water right.

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MAR 18 1993

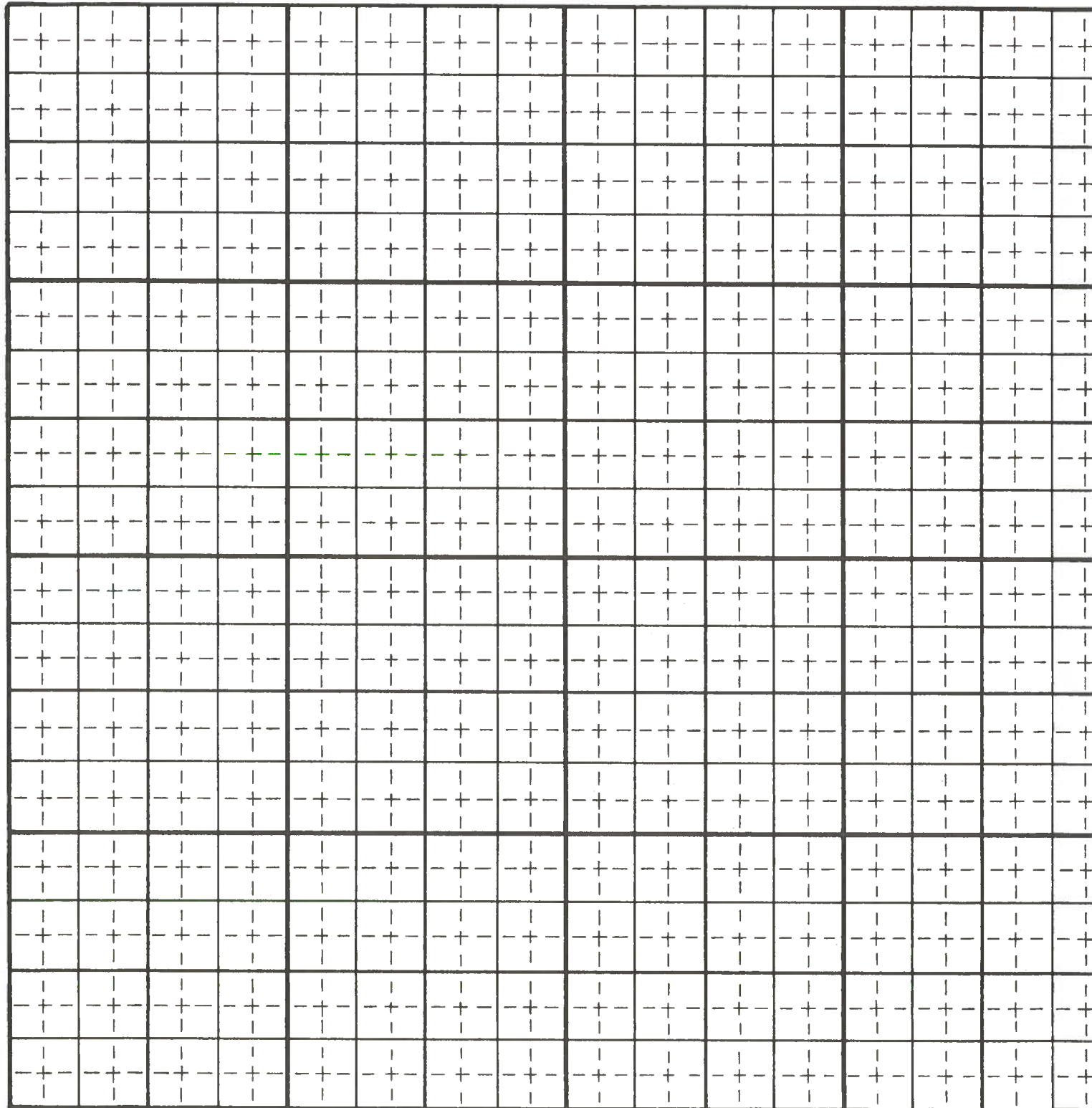
Last Name Cyprus Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

See Exhibit A



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MAR 18 1993

Copies: White-State, Yellow-Claimant

Last Name Cyprus Ident No. \_\_\_\_\_

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice X License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am Patrick H. Fitch, Vice President-General  
Title Manager  
of Cyprus Thompson Creek Mining Company , that I have signed the foregoing  
Organization  
document in the space below as Vice President, General Manager of Cyprus Thompson Creek Mining Comp  
Title  
Organization  
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Patrick H. Fitch

Vice President, General Manager

Title and Organization Cyprus Thompson Creek Mining Company Date 1/9/90

State of Idaho/~~OR~~ \_\_\_\_\_ )  
County of Custer ) SS.

Subscribed and sworn (or affirmed) before me this 9th day of January 19 90

SEAL

Notary Public Beane Shuman

Residing at Challis, ID

My Commission Expires 12/22/92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Scott L. Campbell will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Scott L. Campbell

Address Elam, Burke and Boyd, P.O. Box 1539, Boise, ID 83701-1539

Date January 10, 1990

MICROFILMED  
MAR 18 1993

Last Name Cyprus Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant

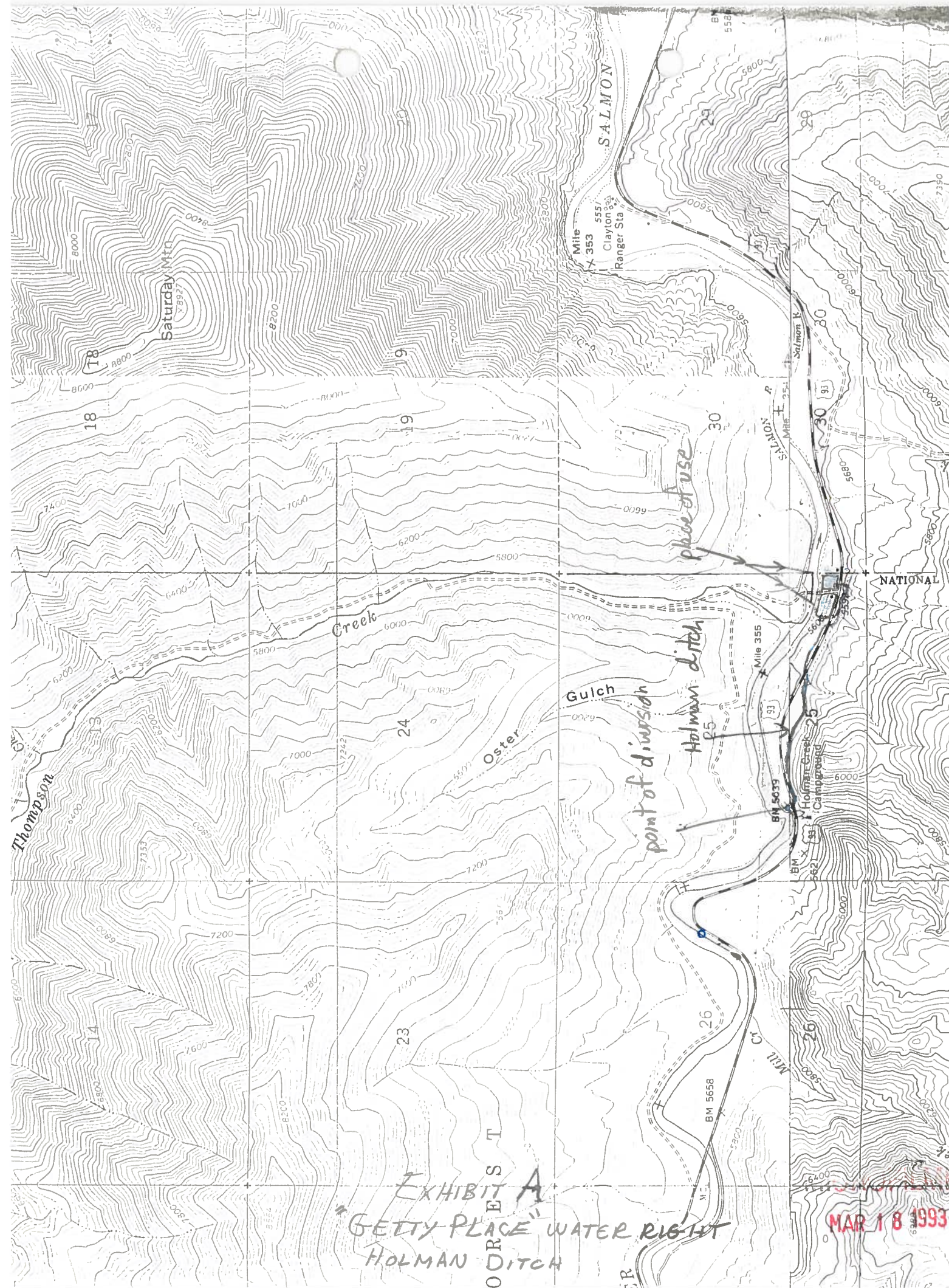


EXHIBIT A  
"GETTY PLACE" WATER RIGHT  
HOLMAN DITCH

100

Notice of Water Right.  
Notice is hereby given to all whom it may concern  
that I, Albert L. Small a citizen of the United  
States over the age of twenty one years have this day  
located, Five, 300 Hundred inches of water for  
farming purposes, situated about one mile above the  
mouth of Thompson Creek. The said Thompson  
Creek is about seven miles up the Salmon River from  
the town of Blayton, in the County of Luster<sup>and</sup> Territory  
of Idaho.

Located this 21<sup>st</sup> day of May A.D. 1888.

Locator, Albert L. Small.

Territory of Idaho  
County of Luster. }

I, Albert L. Small do solemnly swear  
that I am acquainted with the Water Right described  
in the Notice of Location, and that the water claimed  
therein described or any part thereof, has not to the best of  
my knowledge and belief, been heretofore located according  
to the laws of the United States and of this Territory, or if  
so located that the same has been abandoned or forfeited  
by reason of the failure of such former locators to comply  
in respect thereto with the requirements of said laws.  
Subscribed and sworn to before me this 21<sup>st</sup> day of May A.D. 1888.

Albert L. Small.

J. R. Papworth.  
Justice of the Peace.

Filed for record this 18<sup>th</sup> day of June A.D. 1888, at 10 minutes  
past 2 o'clock P.M. and duly recorded in Book "A" of  
Water Rights, at page 185, Records of the County of Luster  
Territory of Idaho.

J. Lynde,  
Co Recorder.

MAR 18 1893

MICROFILMED

IDAHO DEPARTMENT OF WATER RESOURCES  
JUDICATION CLAIMS PROOF READING REPORT  
(REGIONAL)

04/17/00 08:57:35

Page 1

Translation: XFER OF RECOM. CLAIM

Old (D) Number -

First Name - - + - - - - - Address - - - - - +

OTT L  
1 - ELAM & BURKE  
2 - 702 W IDAHO ST  
3 - PO BOX 1539  
City- BOISE State- ID Zip- 837011539  
Phone - 208-343-5454

1 - C/O BERT DOUGHTY  
2 - PO BOX 62  
3 -  
City- CLAYTON State- ID Zip- 83227  
Phone - 208-838-2200

1 - C/O BERT DOUGHTY  
2 - PO BOX 62  
3 -  
City- CLAYTON State- ID Zip- 83227  
Phone - 208-838-2200

Region - - - + - - - - Stage - - - + - - - - Status - - - - +  
J - BENEFICIAL USE

+ - - - - - Tributary - - - - - +  
SNAKE RIVER

- - - Point of Diversion - - - - - +  
County

(37) CUSTER

- - - - - Water Use - - - - - +  
Period From Period To Diversion Rate Diversion Volume  
04/01 10/31 0.310 18.00

- - + - - Total Consumptive Use - + - - KW Usage - +  
0.0

- - - - - Place of Use - - - - - +  
Lot Acres Code Description County  
6 6.0 01 IRRIGATION (37) CUSTER

6.0

Translation: XFER OF RECOM. CLAIM

- - - - - Remarks - - - - - +

within Basin 72 are from connected sources of  
the River Basin and shall be administered

1/4 inch or smaller mesh shall be installed  
at the point of diversion.

- - - Old Water Right Numbers - - - - - +

- - - Conditions of Approval - - - - - +

When combined with all other rights shall provide no  
more than 3.0 cfs per acre at the  
for irrigation of the lands above.

Owner shall comply with all fish screening

from the Idaho Department of Fish and Game.

Owner shall accomplish the change authorized by this

within one (1) year of the date of this approval.

Right holder to comply with the conditions of this  
use for the Director to rescind approval of the

This transfer does not preclude the opportunity for  
validity of the water right(s) in the ongoing  
Adjudication.

+ - - - - Decree Defendant - - - +

+ - Decree Date - +  
00/00/0000

- - - - - Comments - - - - - +

RECOMMENDATION & DIVERSIONS

THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED.

LOSSES = 0.41 CFS.

AND RECOMMENDED.

EXCLUDED FROM REMARKS

THIS WATER RIGHT.

FORMAT & GIS UPDATE

NO CONDITION UPDATE

NOT OF RECORD THRU AJU10.

TRANSFER NO. 5530

version further up- stream in favor of a pump & pipeline just above the Thompson Cr.

ENDED APPROVAL TRANSFER 5530

adjusting the rate of diversion.

IDAHO DEPARTMENT OF WATER RESOURCES  
JUDICATION CLAIMS PROOF READING REPORT  
(REGIONAL)

04/17/00 08:57:37  
Page 3

x Translation: XFER OF RECOM. CLAIM

Judication Rights Dates and Flags Area - - - - - +

|                       |              |                         |         |
|-----------------------|--------------|-------------------------|---------|
| Field Inspection Made | - 00/00/0000 | Civil Case Number       | - 39576 |
| Field Inspection Flag | -            | Old Case Number         | -       |
| Verified Date         | - 00/00/0000 | Old Judicial District   | -       |
| Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
| Receipt Number        | - X777777    | Water District          | -       |
| POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
| Name Connector        | -            | Presumption Flag        | -       |
|                       |              | Notice of Error Flag    | -       |



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098  
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

April 17, 2000

Scott L. Campbell  
ELAM & BURKE  
P.O. Box 1539  
Boise, ID 83701

RE: Water Right Transfer No. 5530

Dear Mr. Campbell:

We are in receipt of your letter of April 11 regarding the above referenced transfer. Please accept our apologies for failure to provide you with proper notice at the time this transfer approval was issued. We are providing you with a copy of the amended transfer approval with this letter.

We are currently in the process of developing a new database for water right and other departmental data processing needs. We hope to provide a better way to handle requests for notice to contacts other than the applicant. Hopefully this will help avoid future notification problems. For the short term, however, on new applications you may want to consider providing your firm's name and address in place of the applicant's address on the space provided on the application. This would ensure that all correspondence related to a specific application would come directly to you.

The SRBA recommendation for Claim No. A72-10488 included 0.72 cfs for 6 acres of irrigation. The SRBA recommendation is our best representation of the water right at this time so the transfer approval is based on that recommendation. The transfer approval is conditioned to allow changes in situations where the SRBA recommendation changes. Part of the recommended diversion rate (0.31 cfs) was recommended for the irrigation of crops on 6 acres of land. This diversion rate was incorrectly reduced to 0.12 cfs for the 6 acres on the transfer approval. We have prepared an amended transfer approval to correct this error and to provide for the entire 0.31 cfs as recommended in the SRBA. The remaining part of the recommended diversion rate (0.41 cfs) was an allowance for conveyance losses from the point of diversion to the irrigated lands. Since the purpose of the transfer was to remove the existing diversion and ditch system and to pump directly from the Salmon River, the 0.41 cfs is no longer necessary to convey the water to the irrigated lands.

The enclosed copy of the amended transfer approval should be considered and treated as a **Preliminary Order** of the department issued pursuant to section 67-5243, Idaho Code. We have also enclosed instructions for responding to **Preliminary Orders** if you disagree with the amended transfer approval.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please call me at 208-327-7940 if you have questions or if I can provide you with any other information.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jeff Peppersack". The signature is fluid and cursive, with the first name "Jeff" being more prominent.

Jeff Peppersack, Manager  
Water Right Permits Section

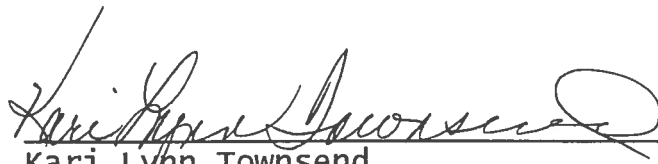
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of April, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

RE: Water Right 72-10488 (Amended Transfer 5530)

SCOTT L CAMPBELL  
ELAM & BURKE  
PO BOX 1539  
BOISE ID 83701

  
\_\_\_\_\_  
Kari Lynn Townsend  
Secretary

## **Responding to Preliminary Orders Issued by the Idaho Department of Water Resources**

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below.**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

### **CERTIFICATE OF SERVICE**

All documents intended to be part of the Department record in connection with a preliminary order shall be served upon the representatives of each party of record. Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate.

I HEREBY CERTIFY (swear or affirm) that I have this day of \_\_\_\_\_, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person: (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names)).  
(Signature)

## **ORAL ARGUMENT**

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case.

## **FINAL ORDER**

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when (a) the petition for reconsideration is disposed of; or (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **RIGHT TO HEARING**

Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Department is otherwise provided by statute, any person aggrieved by any decision, determination, order, or action of the Department or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Department, who is aggrieved by a denial or conditional approval ordered by the Department, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Department to contest the denial or conditional approval upon filing with the Department, within fifteen (15) days after receipt of the denial or conditional approval, a written permission stating the grounds for contesting the action by the director and requesting a hearing.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

If a preliminary order becomes final, any party aggrieved by the final order or orders previously issued in the case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which (a) a hearing was held, or (b) the final agency action was taken, or (c) the party seeking review of the order resides, or (d) the real property or personal property that was the subject of the agency action is located. The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Sections 67-5270 through 67-5273, Idaho Code.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

**\*AMENDED\***

**\*AMENDED\***

TRANSFER NO. 5530  
WATER RIGHT NO. 72-10488

This is to certify that: THOMPSON CREEK MINING CO.  
C/O BERT DOUGHTY  
PO BOX 62  
CLAYTON ID 83227

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31       | 0.31 CFS              | 18.0 AF              |
| <u>SOURCE</u>         | <u>TRIBUTARY OF</u>  |                       |                      |
| SALMON RIVER          | SNAKE RIVER          |                       |                      |

Priority: 05/24/1888

LOCATION OF POINT(S) OF DIVERSION: Lot 6 ( SESE), Sec. 25, Township 11N, Range 16E  
CUSTER County

PLACE OF USE: IRRIGATION

| <u>TWN RGE SEC</u>               | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|--------------|--------------|--------------|--------------|
| 11N 16E 25                       | Lot 6 (SESE) | 6.0          |              | 6.0          |
| Total number of acres irrigated: |              |              |              | 6.0          |

**CONDITIONS OF APPROVAL AND REMARKS**

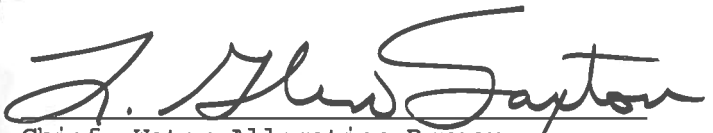
1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
2. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

TRANSFER NO. 5530  
WATER RIGHT NO. 72-10488

CONDITIONS OF APPROVAL AND REMARKS

5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. All water rights within Basin 72 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
7. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.

Dated this 17<sup>th</sup> day of April, 2000.

  
Chief, Water Allocation Bureau



RECEIVED

APR 12 2000

Department of Water Resources

**ELAM & BURKE**  
*A Professional Association*  
ATTORNEYS AND COUNSELORS AT LAW  
*Established in 1928*

KEY FINANCIAL CENTER  
702 WEST IDAHO  
POST OFFICE BOX 1539  
BOISE, IDAHO 83701

TELEPHONE  
208-343-5454  
FACSIMILE

SCOTT L. CAMPBELL

208-384-5844

April 11, 2000

Karl E. Dreher, P.E.  
Director  
Idaho Department of Water Resources  
1301 North Orchard Street  
Boise, ID 83706-2237

Re: Application for Transfer Number 5530, Water Right number 72-10488

Dear Director Dreher:

I filed the above-referenced Application for Transfer on behalf of my client, Thompson Creek Mining Company ("Thompson Creek") in August of 1999 (Attachment A). At the top of the first page of that Application is a request to "[s]end all correspondence to" me at the law offices of Elam & Burke, P.A. However, despite that request, no copies of correspondence pertaining to approval of that transfer application were sent to me. In fact, my associate Angela Schaer called Kari Lynn Townsend at the state IDWR office on at least two occasions in an attempt to learn the status of the transfer application, although Ms. Schaer never received a return telephone call.

On Monday, April 10, 2000, I received a Notice of Completed Administrative Proceeding from the Southern Region office of IDWR. The Recommended Water Rights Acquired Under State Law, attached to the NCAP, indicates that the transfer was likely approved sometime in March 2000. (Attachment B). Ms. Schaer contacted Ms. Fawcett to obtain a copy of the transfer approval documents, and Ms. Fawcett promptly faxed the requested items.

When Ms. Schaer received the transfer approval documents, she noticed that the quantity of water under this right had been reduced significantly, from .72 c.f.s. to .12 c.f.s. This was done without any notification to me. I was thus prevented from advising my client and from taking any appropriate action on behalf of my client, a result which could very well be a violation of my client's constitutional due process rights.

Further, the reduction is contrary to every other document we have in our files pertaining to water right number 72-10488. (See Attachment A (transfer application); Attachment C (original preliminary recommendation for water right number 72-10488; and Attachment D (original recommendation from the Director's Report for water right number 72-10488)). It

Letter to Karl Dreher  
April 11, 2000  
Page 2

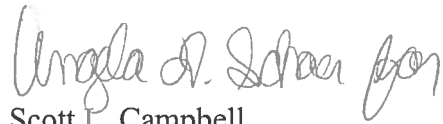
appears that the reduction is either a typographical error, or resulted from a finding of forfeiture, a finding which was made without notice. Furthermore, the acreage in the place of use has been reduced.

I am very concerned that my explicit request on Thompson Creek's Application for Transfer was not heeded, particularly since the failure to provide me with proper notice of the transfer approval has led to the result that the 14 day period to file a petition for reconsideration has passed. However, given that I was not provided with proper notice, I assume that the Department will allow me an additional fourteen days (at least from Monday, April 10, 2000) to prepare a petition for reconsideration. My client's water rights are far too important to allow such a significant reduction in quantity to go unchallenged.

Thank you in advance for your consideration and cooperation, and I look forward to working with you to resolve this matter.

Very truly yours,

ELAM & BURKE  
*A Professional Association*

  
Scott L. Campbell

SLC:dapG:\Dap\WPDATA\0016\00132-dreher.wpd  
encl.  
cc(w/encl.): Clients

**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**COPY**

**PART 1**

Send all correspondence to:  
 Scott L. Campbell, P.O. Box 1539,  
 Boise, Idaho 83701

Name of applicant Thompson Creek Mining Co. Phone (208) 838-2200  
 Post Office address c/o Bert Doughty, P.O. Box 62, Clayton, ID 83227

**A. PURPOSE OF TRANSFER**

1. ☒ Change point of diversion    ☐ Add diversion point(s)    ☐ Change place of use  
☐ Change nature of use    ☐ Change period of use    ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes Thompson Creek intends to install a pump in the Salmon River in order to divert under this right. The existing point of diversion has been abandoned for environmental reasons, specifically, to help protect anadromous fish.

**B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE**

| 1. Right Number | Priority     | Amount<br>(cfs/ac-ft) | Nature<br>of Use | Period of Use  |
|-----------------|--------------|-----------------------|------------------|----------------|
| 72-10488        | May 24, 1888 | .72 cfs               | irrigation       | 4/1 to 10/31   |
| _____           | _____        | _____                 | _____            | _____ to _____ |
| _____           | _____        | _____                 | _____            | _____ to _____ |
| _____           | _____        | _____                 | _____            | _____ to _____ |
| _____           | _____        | _____                 | _____            | _____ to _____ |

2. Total amount of water being transferred .72 cfs cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Source of water Salmon River tributary to Snake River

4. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|----|----|------|------|------|--------|--------------------------|
|     |   | SE | SE | 25   | 11N  | 16E  | Custer |                          |
|     |   |    |    |      |      |      |        |                          |
|     |   |    |    |      |      |      |        |                          |
|     |   |    |    |      |      |      |        |                          |

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 11N  | 16E  | 25   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 8    | 8    |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 8

**PART 1**

**6. General Information:**

- a. Description of diversion system Pump with pipeline to field application system  
 \_\_\_\_\_  
 \_\_\_\_\_
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- d. Remarks:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_  
 And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

(Attach one copy for each right)

### A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. 72-10488 on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water Salmon River tributary to Snake River

4. Date or priority May 24, 1988

5. Water is used for the following purpose:

amount 72 for irrigation purposes from 4/1 to 10/31  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 72 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|----|----|------|------|------|--------|--------------------------|
|     |   | NE | SE | 26   | 11N  | 16E  | Custer |                          |
|     |   |    |    |      |      |      |        |                          |
|     |   |    |    |      |      |      |        |                          |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 11N  | 16E  | 25   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 8    | 8      |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 8

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

10. To your knowledge, has any portion of this water right undergone a period of \_\_\_\_\_ or more consecutive years of non-use?  
 No \_\_\_\_\_ If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See Attachment B.

# PART 3

## 8. CHANGES IN NATURE OF USE

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to            |
|   |                   |                       |                 | to            |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 7<sup>th</sup> day of July, 19 99.

[Signature]  
(Signature of Applicant)

My commission expires 8/19/99

[Signature]  
(Notary Public)

## FOR DEPARTMENT USE ONLY

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by \_\_\_\_\_ Date \_\_\_\_\_ Protest filed by \_\_\_\_\_

Prelim. check by \_\_\_\_\_ Fee \_\_\_\_\_

Receipted by \_\_\_\_\_ Date \_\_\_\_\_

Published in \_\_\_\_\_ Copies of protest forwarded by \_\_\_\_\_

Pub. dates \_\_\_\_\_ Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

PARCEL NO: RPL1N16E259062A  
YEAR 1998 -2 BILL# 5652 TAX 82.13

\* I A X R E M I N D E R \*

TOTAL 82.13

CUSTER COUNTY TAX COLLECTOR  
P.O. BOX 350  
CHALLIS, IDAHO 83226

DATE PRINTED: 5/12/1999  
RPL1N16E259061A

=====

|            |       |                          |
|------------|-------|--------------------------|
| TOTAL DUE: | 82.13 | VALID THROUGH: 6/20/1999 |
|------------|-------|--------------------------|

=====

RECEIPT NOT VALID UNTIL CHECK CLEARS  
THANK YOU

THOMPSON CREEK MINING COMPANY  
PO BOX 62  
CLAYTON ID 83227

TRACT 1627, 80-32  
SEC 25 T11N R16E

72- 10-184

PARCEL NO: RPIINI6E257210A  
YEAR 1998 -2 BILL# 5642 TAX 45.21

\* I A X R E M I N D E R \*

TOTAL 45.21

CUSTER COUNTY TAX COLLECTOR  
P.O. BOX 350  
CHALLIS, IDAHO 93226

DATE PRINTED: 5/12/1999

=====

|            |       |                          |
|------------|-------|--------------------------|
| TOTAL DUE: | 45.21 | VALID THROUGH: 6/20/1999 |
|------------|-------|--------------------------|

=====

RECEIPT NOT VALID UNTIL CHECK CLEARS  
THANK YOU

THOMPSON CREEK MINING COMPANY  
PO BOX 62  
CLAYTON ID 83227

TRACT 73-22  
SEC 25 T11N R16E

72-10488

PARCEL NO: RP1IN16E259070A  
YEAR BILL# TAX  
1998 -2 5653 346.49

\* I A X R E M I N D E R \*

TOTAL  
346.49

CUSTER COUNTY TAX COLLECTOR  
P.O. BOX 350  
CHALLIS, IDAHO 83226

DATE PRINTED: 5/12/1999

=====

|            |        |                          |
|------------|--------|--------------------------|
| TOTAL DUE: | 346.49 | VALID THROUGH: 6/20/1999 |
|------------|--------|--------------------------|

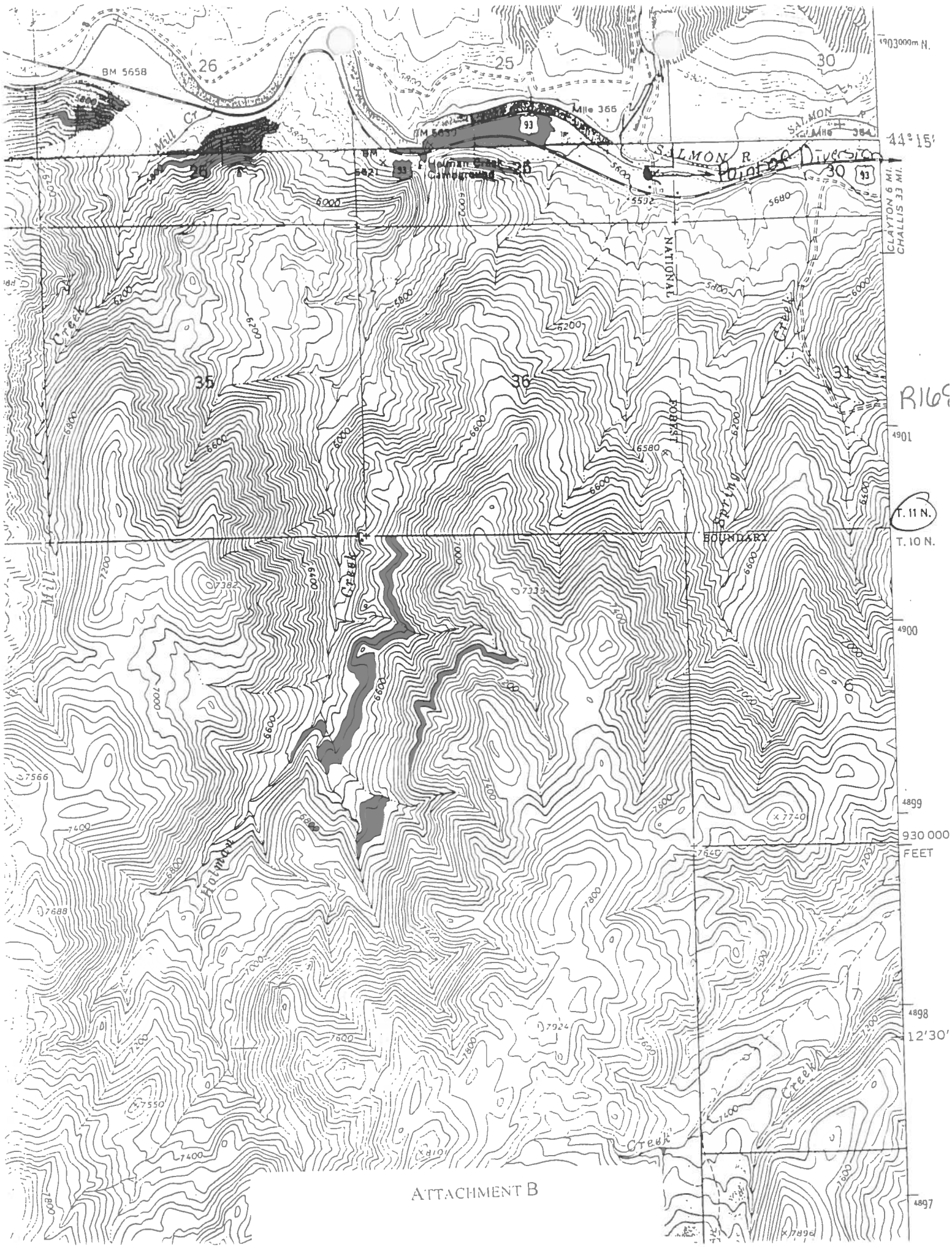
=====

RECEIPT NOT VALID UNTIL CHECK CLEARS  
THANK YOU

THOMPSON CREEK MINING COMPANY  
PO BOX 62  
CLAYTON ID 83227

TRACT 81-7  
SEC 25 T11N R16E

72-10450



ATTACHMENT B

Kevin Loughrey  
Senior Vice President  
and General Counsel

By Facsimile and E-mail

June 11, 1999

Angela D. Schaer  
Elam & Burke  
Key Financial Center, 702 West Idaho  
Boise, ID 83701

**Re: Thompson Creek Mining Co. Water Rights  
Applications for Transfer and for Permit**

Dear Ms. Schaer:

In response to your letter of June 11, 1999, listed below are the names and addresses of the corporate officers for Thompson Creek Mining Co.

| <u>Office</u>                                               | <u>Name and Mailing Address</u>                                          |
|-------------------------------------------------------------|--------------------------------------------------------------------------|
| President                                                   | Richard J. Fiorini<br>945 West Kenyon Avenue<br>Englewood, CO 80110      |
| Senior Vice President,<br>General Counsel, and<br>Secretary | Kevin Loughrey<br>945 West Kenyon Avenue<br>Englewood, CO 80110          |
| Vice President                                              | Kent Watson<br>P. O. Box 62, 35 miles SW of Challis<br>Clayton, ID 83227 |
| Vice President, Treasurer,<br>and Assistant Secretary       | Vicki P. Byrne<br>945 West Kenyon Avenue<br>Englewood, CO 80110          |
| Vice President                                              | Richard S. DeCesare<br>945 West Kenyon Avenue<br>Englewood, CO 80110     |

Sincerely,

Kevin Loughrey

KL:je

ATTACHMENT C



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

APR 10 2000

SOUTHERN REGION

April 5, 2000

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

SCOTT L CAMPBELL  
ELAM & BURKE  
PO BOX 1539  
BOISE ID 83701-1539

RE: SRBA Claim(s) 72-10488 / Thompson Creek Mining Co.

Dear Counselor:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett  
Technical Records Specialist

cc: Randall Bramer

ATTACHMENT B

APR 10 2000

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
Case No. 39576 ) NOTICE OF COMPLETED  
ADMINISTRATIVE PROCEEDINGS  
Water Right 72-10488

---

IDWR has completed the following Administrative Proceeding:

☐ Change of Address  
☐ Substitution of Party  
☒ I.C. 42-222 Transfer

---

I.C. 42-422 TRANSFERS

An Administrative Proceeding pursuant to I.C. 42-222 has been completed for water right 72-10488 and all appeal times have run. The following changes have been made to the water right:

☒ Point of Diversion ☐ Place of Use  
☐ Period of Use ☐ Nature of Use

---

NOTICE OF COMPLETED  
ADMINISTRATIVE PROCEEDING  
3/31/2000

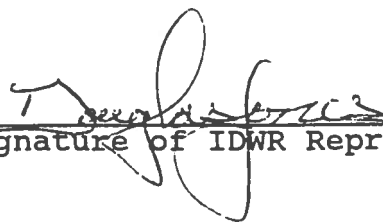
72-10488

PAGE

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

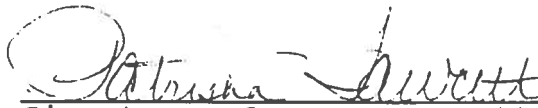
DATED: 4/5/00

  
\_\_\_\_\_  
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 4/7/2000 I mailed the original  
and copies of this form to the following persons, postage prepaid  
and addressed as follows:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707
2. One Copy to:  
Each party in the subcase, or attorney of record:  
  
SCOTT L CAMPBELL  
ELAM & BURKE  
702 W IDAHO ST  
BOISE ID 83701-1539  
  
RANDALL J BRAMER  
550 W FORT ST  
MSC 033  
BOISE ID 83724
3. One Copy to:  
Chief, Natural Resources Division  
Office of the Attorney General  
P.O. Box 44449  
Boise, Idaho 83711-4449
4. One Copy to:  
United States Dept. of Justice  
Environment & Natural Resource Div.  
550 West Fort Street, MSC 033  
Boise, ID 83724



Signature of person or attorney mailing the fo

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAR-31-2001  
PAGE: A-3

RIGHT NUMBER: 72-10488

NAME & ADDRESS: THOMPSON CREEK MINING CO  
C/O BERT DOUGHTY  
PO BOX 62  
CLAYTON ID 83227

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.12 CFS  
18.0 AFY

PRIORITY DATE: 05/24/1888

POINT OF DIVERSION: T11N R16E S25 LOT 6 ( SESE) Within CUSTER County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY             |
|-------------------------------|----------------|---------------|----------------------|
|                               | IRRIGATION     | 04-01 10-31   | 0.12 CFS<br>18.0 AFY |

PLACE OF USE: IRRIGATION Within CUSTER County  
T11N R16E S25 Lot 6 (SESE) 6  
6 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY  
TRANSFER NO. 5530 BY MARCH 17, 2001.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

AJ5853NP  
1244

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: November 20, 19  
PAGE: 1

RIGHT NUMBER: 72-10488

NAME AND ADDRESS: THOMPSON CREEK MINING COMPANY  
C/O BERT DOUGHTY  
PO BOX 62  
CLAYTON ID 83227

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.72 CFS

PRIORITY-DATE: 05/24/1888

POINT OF DIVERSION T11N R16E S26 LOT 7 (SWSENE) Within CUSTER County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|----------------|---------------|----------|
|                | IRRIGATION     | 04-01 10-31   | 0.72 CFS |

PLACE OF USE: IRRIGATION Within CUSTER County  
T11N R16E S25 LOT 6 (SESE) 6  
6 ACRES TOTAL

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER  
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER  
RIGHTS IN BASIN 72:

| WATER RIGHT NO. | SOURCE |
|-----------------|--------|
| NONE            | NONE   |

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER  
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER  
RIGHTS IN THE SNAKE RIVER BASIN:

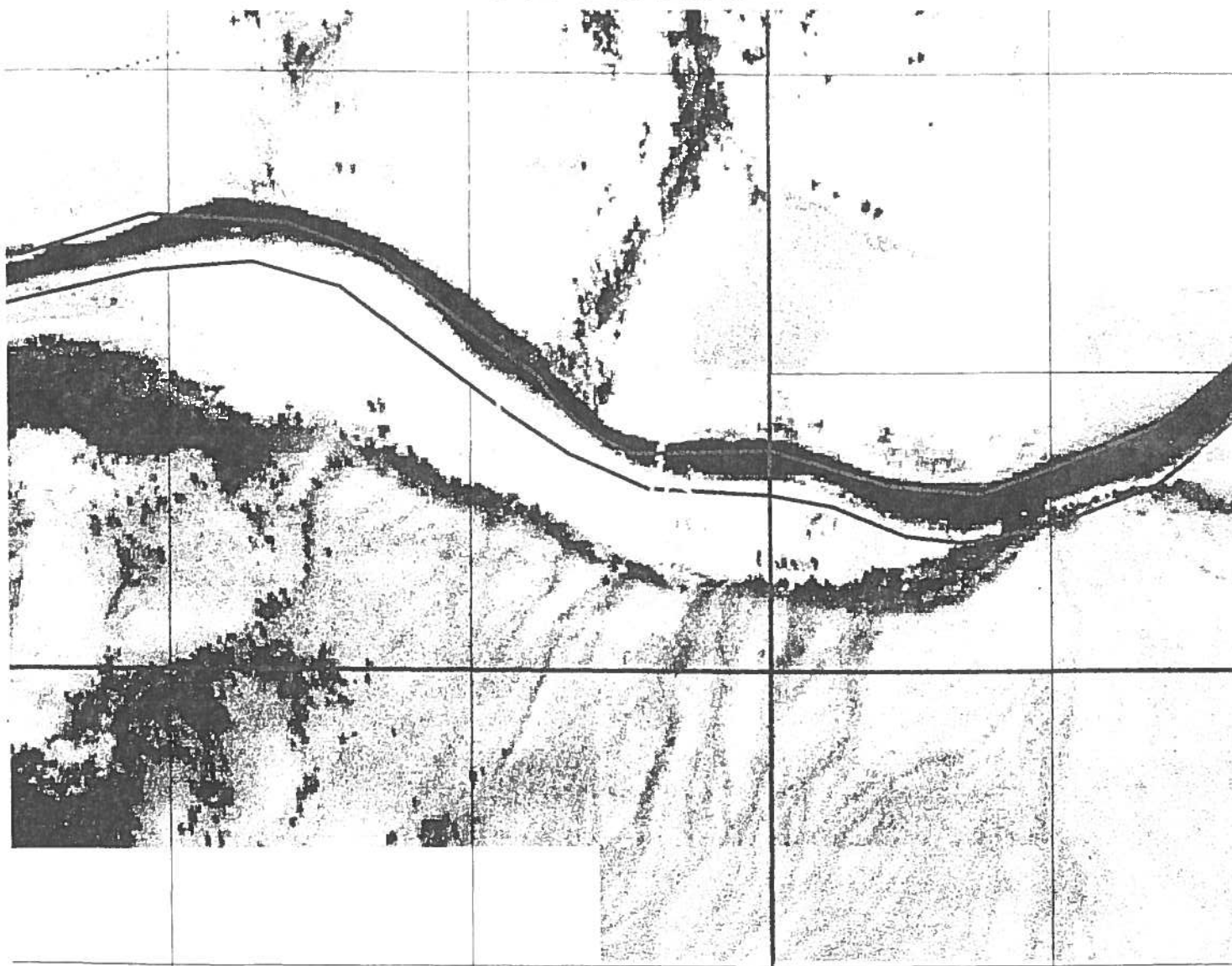
| WATER RIGHT NO. | SOURCE |
|-----------------|--------|
| NONE            | NONE   |

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES  
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED  
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
0.41 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE  
LOSSES IN DELIVERY OF THIS RIGHT.

# IDAHO DEPARTMENT OF WATER RESOURCES

## 72-10488



660 0 660 1320 Feet

- RECOMMENDED PLACE OF USE
- ⊙ RECOMMENDED POINT OF DIVERSION
- SECTION LINES
- QUARTER-QUARTER LINES
- STREAMS & DITCH CHANNELS

TWN: 11N  
RNG: 16E  
SEC: 25  
SESE



GIS PLACE OF USE PRESENTATION  
USFS AERIAL PHOTOGRAPHY, 1988  
BY STEVE CLELLAND

DATE: NOV. 3, 1998

AJ5855NP  
1541

IDAHO DEPARTMENT OF WATER RESOURCES  
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT  
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: January 26, 1999  
PAGE: 1

RIGHT NUMBER: 72-10488

NAME AND ADDRESS: THOMPSON CREEK MINING COMPANY  
C/O BERT DOUGHTY  
PO BOX 62  
CLAYTON ID 83227

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.72 CFS

PRIORITY-DATE: 05/24/1888

POINT OF DIVERSION T11N R16E S26 LOT 7 (SWSENE) Within CUSTER County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------------------|----------------|---------------|----------|
|                            | IRRIGATION     | 04-01 10-31   | 0.72 CFS |

PLACE OF USE: IRRIGATION Within CUSTER County  
T11N R16E S25 LOT 6 (SESE) 6  
6 ACRES TOTAL

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER  
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER  
RIGHTS IN BASIN 72:

| WATER RIGHT NO. | SOURCE |
|-----------------|--------|
| NONE            | NONE   |

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER  
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER  
RIGHTS IN THE SNAKE RIVER BASIN:

| WATER RIGHT NO. | SOURCE |
|-----------------|--------|
| NONE            | NONE   |

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES  
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED  
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
0.41 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE  
LOSSES IN DELIVERY OF THIS RIGHT.

# COPY

November 20, 1998

RECEIVED

DEC 21 1998

Department of Water Resources  
Southern Region

**Notice of Error  
Reply**

Please type or print clearly, fill out this completely and mail.

Return this reply to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:** December 18, 1998

Water right number: 72-10488

SCOTT L. CAMPBELL  
ELAM & BURKE  
PO BOX 1539  
BOISE, ID 83701

Daytime Telephone Number: (208) 343-5454  
Evening Telephone Number: (208) 343-5454

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Place of use, point of diversion, quantity, volume

2. Describe the changes you wish to make in the proposed recommendation:

Changes must be provided in personal conference in order to fully explain

3. Give a brief explanation as to why you disagree with these portions:

Because the preliminary recommendations are incorrect

       I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12-18-98

SIGNATURE: Scott L. Campbell

Please print your name: Scott L. Campbell

Attorneys for: Thompson Creek Mining Company

IDWR Southern Regional Office, 1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380, (208) 736-3033

**Movant:**

UNITED STATES OF AMERICA

**Attorney Name and Address:**

LOIS J. SCHIFFER  
Assistant Attorney General  
Environment and Natural Resources Division

DAVID L. NEGRI  
United States Department of Justice  
Environment and Natural Resources Division  
General Litigation Section  
550 W. Fort St. MSC033  
Boise, ID 83724  
(208) 331-5943

Counsel for the United States of America

RECEIVED

JUL 17 2000

Department of Water Resources

RECEIVED  
SEP 01 2000  
Department of Water Resources  
Southern Region

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**In Re SRBA**

**Case Number: 39576**

) **Subcase: 72-10488**  
)  
)  
)  
)  
)

**NOTICE BY THE UNITED STATES OF  
WITHDRAWAL OF OBJECTION**

**DESCRIPTIVE SUMMARY**

This is a notice by the United States of its withdrawal of the objection filed on  
behalf of the United States Department of Agriculture, Forest Service for subcase number

72-10488. The Forest Service objected to a claim made by Thompson Creek Mining Company because the point of diversion was on National Forest System Land.

A scheduling conference was held on December 2, 1999 and the subcase was stayed pending an administrative proceeding to transfer the point of diversion.

On April 10, 2000 a Notice of Completed Administrative Proceeding was received by the United States showing that the transfer process had been completed and the point of diversion had been removed from National Forest System land and relocated to private land.

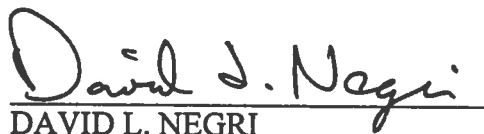
#### NOTICE

The United States hereby notices the Court of the withdrawal, with prejudice, of the United States objection to subcase no. 72-10488.

Dated this 13<sup>TH</sup> day of July, 2000

Respectfully submitted,

UNITED STATES OF AMERICA



DAVID L. NEGRI

United States Department of Justice

## Certificate of Service

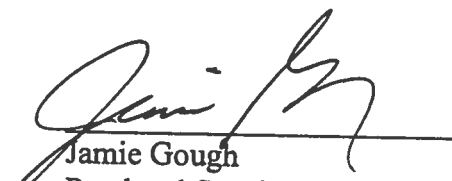
I certify that on July 13, 2000 I caused to be served a true and correct copy of the **NOTICE BY THE UNITED STATES OF WITHDRAWAL OF OBJECTION – 72-10488** to the addresses listed below, by U.S. mail, postage prepaid:

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment and Natural Resources Division  
General Litigation Section  
550 W. Fort St. MSC 033  
Boise, ID 83724

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720

Scott L. Campbell  
Angela D. Schaer  
Elam & Burke, P.A.  
Key Financial Center, 10<sup>th</sup> Floor  
702 West Idaho  
P.O. Box 1539  
Boise, ID 83701

  
Jamie Gough  
Paralegal Specialist

COPY

200 MAY 26 PM 12:04

FILED  
TWIN FALLS, IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

AMENDED

NOTICE OF COMPLETED  
ADMINISTRATIVE PROCEEDINGS

Water Right 72-10488

IDWR has completed the following Administrative Proceeding:

- ☐ Change of Address
- ☐ Substitution of Party
- ☒ I.C. 42-222 Transfer

I.C. 42-422 TRANSFERS

An Administrative Proceeding pursuant to I.C. 42-222 has been  
completed for water right 72-10488 and all appeal times have run.

The following changes have been made to the water right:

- |                                     |                    |                          |               |
|-------------------------------------|--------------------|--------------------------|---------------|
| <input checked="" type="checkbox"/> | Point of Diversion | <input type="checkbox"/> | Place of Use  |
| <input type="checkbox"/>            | Period of Use      | <input type="checkbox"/> | Nature of Use |

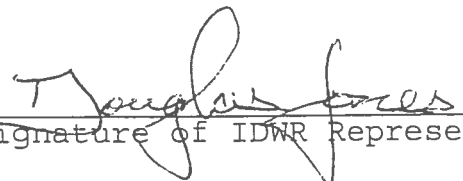
NOTICE OF COMPLETED  
ADMINISTRATIVE PROCEEDING  
5/19/2000

72-10488

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 5/24/00

  
\_\_\_\_\_  
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5/26/2000 I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707
2. One Copy to:  
Each party in the subcase, or attorney of record:  
  
SCOTT L CAMPBELL  
ELAM & BURKE  
702 W IDAHO ST  
BOISE ID 83701-1539  
  
RANDALL J BRAMER  
550 W FORT ST  
MSC 033  
BOISE ID 83724
3. One Copy to:  
Chief, Natural Resources Division  
Office of the Attorney General  
P.O. Box 44449  
Boise, Idaho 83711-4449
4. One Copy to:  
United States Dept. of Justice  
Environment & Natural Resource Div.  
550 West Fort Street, MSC 033  
Boise, ID 83724



Signature of person or attorney mailing the for

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAY-19-2000  
PAGE: A-13

RIGHT NUMBER: 72-10488

NAME & ADDRESS: THOMPSON CREEK MINING CO  
C/O BERT DOUGHTY  
PO BOX 62  
CLAYTON ID 83227

SOURCE: SALMON RIVER                      TRIBUTARY: SNAKE RIVER

QUANTITY: 0.31 CFS  
18.0 AFY

PRIORITY DATE: 05/24/1888

POINT OF DIVERSION: T11N R16E S25    LOT 6 ( SESE)                      Within CUSTER County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------------|----------|
|                | IRRIGATION     | 04-01    10-31 | 0.31 CFS |
|                |                |                | 18.0 AFY |

PLACE OF USE: IRRIGATION                      Within CUSTER County  
T11N R16E S25    Lot 6 (SESE) 6  
6 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY  
TRANSFER NO. 5530 BY MARCH 17, 2001.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

May 26, 2000

DIRK KEMPTHORNI  
GOVERNOR

KARL J. DREHER  
DIRECTOR

SCOTT L CAMPBELL  
ELAM & BURKE  
PO BOX 1539  
BOISE ID 83701-1539

RE: SRBA Claim(s) 72-10488

Dear Counselor:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett  
Technical Records Specialist

cc: Randall Bramer

*Southern*

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

\*AMENDED\*

TRANSFER NO. 5530  
WATER RIGHT NO. 72-10488

\*AMENDED\*

RECEIVED

APR 18 2000

Department of Water Resources  
Southern Region

This is to certify that: THOMPSON CREEK MINING CO.  
C/O BERT DOUGHTY  
PO BOX 62  
CLAYTON ID 83227

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31       | 0.31 CFS              | 18.0 AF              |

| <u>SOURCE</u> | <u>TRIBUTARY OF</u> |
|---------------|---------------------|
| SALMON RIVER  | SNAKE RIVER         |

Priority: 05/24/1888

LOCATION OF POINT(S) OF DIVERSION: Lot 6 ( SESE), Sec. 25, Township 11N, Range 16E  
CUSTER County

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 11N                              | 16E        | 25         | Lot 6 (SESE) | 6.0          |              | 6.0          |
| Total number of acres irrigated: |            |            |              |              |              | 6.0          |

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
2. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

TRANSFER NO. 5530  
WATER RIGHT NO. 72-10488

CONDITIONS OF APPROVAL AND REMARKS

5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. All water rights within Basin 72 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
7. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.

Dated this 17<sup>th</sup> day of April, 2000.

  
Chief, Water Allocation Bureau

COPY

200 APR -7 PM 1:23  
FILED  
J. IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
Case No. 39576 ) NOTICE OF COMPLETED  
ADMINISTRATIVE PROCEEDINGS  
Water Right 72-10488

IDWR has completed the following Administrative Proceeding:

- ☐ Change of Address  
☐ Substitution of Party  
☒ I.C. 42-222 Transfer

I.C. 42-422 TRANSFERS

An Administrative Proceeding pursuant to I.C. 42-222 has been completed for water right 72-10488 and all appeal times have run. The following changes have been made to the water right:

- ☒ Point of Diversion ☐ Place of Use  
☐ Period of Use ☐ Nature of Use

NOTICE OF COMPLETED  
ADMINISTRATIVE PROCEEDING  
3/31/2000

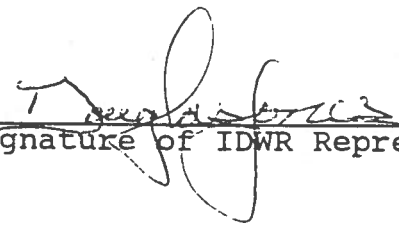
72-10488

PAGE

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 4/5/00

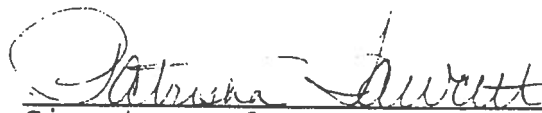
  
\_\_\_\_\_  
Signature of IDWR Representative

COPI 1

CERTIFICATE OF MAILING

I certify that on 4/7/2000 I mailed the original  
and copies of this form to the following persons, postage prepaid  
and addressed as follows:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707
2. One Copy to:  
Each party in the subcase, or attorney of record:  
  
SCOTT L CAMPBELL  
ELAM & BURKE  
702 W IDAHO ST  
BOISE ID 83701-1539  
  
RANDALL J BRAMER  
550 W FORT ST  
MSC 033  
BOISE ID 83724
3. One Copy to:  
Chief, Natural Resources Division  
Office of the Attorney General  
P.O. Box 44449  
Boise, Idaho 83711-4449
4. One Copy to:  
United States Dept. of Justice  
Environment & Natural Resource Div.  
550 West Fort Street, MSC 033  
Boise, ID 83724



Signature of person or attorney mailing the fo

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAR-31-201  
PAGE: A-3

RIGHT NUMBER: 72-10488

NAME & ADDRESS: THOMPSON CREEK MINING CO  
C/O BERT DOUGHTY  
PO BOX 62  
CLAYTON ID 83227

SOURCE: SALMON RIVER                      TRIBUTARY: SNAKE RIVER

QUANTITY: 0.12 CFS  
18.0 AFY

PRIORITY DATE: 05/24/1888

POINT OF DIVERSION: T11N R16E S25 LOT 6 ( SESE)                      Within CUSTER County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY             |
|-------------------------------|----------------|---------------|----------------------|
|                               | IRRIGATION     | 04-01 10-31   | 0.12 CFS<br>18.0 AFY |

PLACE OF USE: IRRIGATION                      Within CUSTER County  
T11N R16E S25 Lot 6 (SESE) 6  
6 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.  
THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY  
TRANSFER NO. 5530 BY MARCH 17, 2001.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

April 5, 2000

DIRK KEMPTHORN  
GOVERNOR

KARL J. DREHER  
DIRECTOR

SCOTT L CAMPBELL  
ELAM & BURKE  
PO BOX 1539  
BOISE ID 83701-1539

RE: SRBA Claim(s) 72-10488 / Thompson Creek Mining Co.

Dear Counselor:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett  
Technical Records Specialist

cc: Randall Bramer

Water Right Number - R72-10488      Prefix Translation: RESEARCH      Old (D) Number -  
+ - - - - Last Name - - - - +      + - - - - First Name - - - - +      + - - - - Address - - - - - +

\*\*\* A - ATTORNEY \*\*\*  
CAMPBELL

SCOTT L

1 - ELAM & BURKE  
2 - 702 W IDAHO ST  
3 - PO BOX 1539  
City- BOISE  
Phone - 208-343-5454

State- ID Zip- 837011539

\*\*\* C - CURRENT OWNER \*\*\*  
THOMPSON CREEK MINING CO

1 - C/O BERT DOUGHTY  
2 - PO BOX 62  
3 -  
City- CLAYTON  
Phone - 208-838-2200

State- ID Zip- 83227

\*\*\* O - ORIGINAL OWNER \*\*\*  
CYPRIUS THOMPSON CREEK MINING CO

1 - C/O BERT DOUGHTY  
2 - PO BOX 62  
3 -  
City- CLAYTON  
Phone - 208-838-2200

State- ID Zip- 83227

+ - - Priority Date - - +      + - - Region - - - +      + - - Stage - - - +      + - - Status - - - +  
05/24/1888      17 SOUTHERN      J - BENEFICIAL USE

+ - - Source - - - - - +      + - - Tributary - - - - - +  
SALMON RIVER      SNAKE RIVER

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot Rflg County

11N 16E 25 SE SE 6 (37) CUSTER

+ - - - - - - - - - - - - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION      04/01      10/31      0.120      18.00

+ - - Total Div. Rate - +      + - - Total Div. Volume - +      + - - Total Consumptive Use - +      + - - KV Usage - +  
0.120      18.00      0.0

+ - - - - - - - - - - - - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County

11N 16E 25 SE SE 6 6.0 01 IRRIGATION      (37) CUSTER

Total Acres: 6.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

✓ SW  
3/30/00

+ . . . +  
Remarks  
- - - -

Old Water Right Numbers

## + . . . . . Conditions of Approval . . . . . +

|           |                  |         |           |                  |         |     |               |            |
|-----------|------------------|---------|-----------|------------------|---------|-----|---------------|------------|
| + - - - - | Decree Plaintiff | - - - + | + - - - - | Decree Defendant | - - - + | + - | Decree Date - | 00/00/0000 |
|-----------|------------------|---------|-----------|------------------|---------|-----|---------------|------------|

+ + + + + Comments + + + + +

Date: 12/29/1993 User Id: CLELLAND Subject: RECOMMENDATION & DIVERSIONS

Date: 11/16/1998 User Id: SCLELLAN Subject: REFORMAT & GIS UPDATE

Date: 11/21/1998 User Id: AJO10-US Subject: AJO10 CONDITION UPDATE  
CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART

Date: 08/02/1999 User ID: JSLANTON Subject: TRANSFER NO: 3330

+ - - Audit Fields - - +

## Adjudication Rights Dates and Flags Area

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5530  
WATER RIGHT NO. 72-10488

RECEIVED  
MAR 23 2000  
Department of Water Resources  
Southern Region

This is to certify that: THOMPSON CREEK MINING CO.  
C/O BERT DOUGHTY  
PO BOX 62  
CLAYTON ID 83227

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31       | 0.12 CFS              | 18.0 AF              |

| <u>SOURCE</u> | <u>TRIBUTARY OF</u> |
|---------------|---------------------|
| SALMON RIVER  | SNAKE RIVER         |

Priority: 05/24/1888

LOCATION OF POINT(S) OF DIVERSION: Lot 6 ( SESE), Sec. 25, Township 11N, Range 16E  
CUSTER County

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 11N                              | 16E        | 25         | Lot 6 (SESE) | 6.0          |              | 6.0          |
| Total number of acres irrigated: |            |            |              |              |              | 6.0          |

CONDITIONS OF APPROVAL AND REMARKS

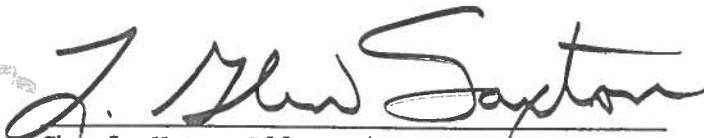
1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

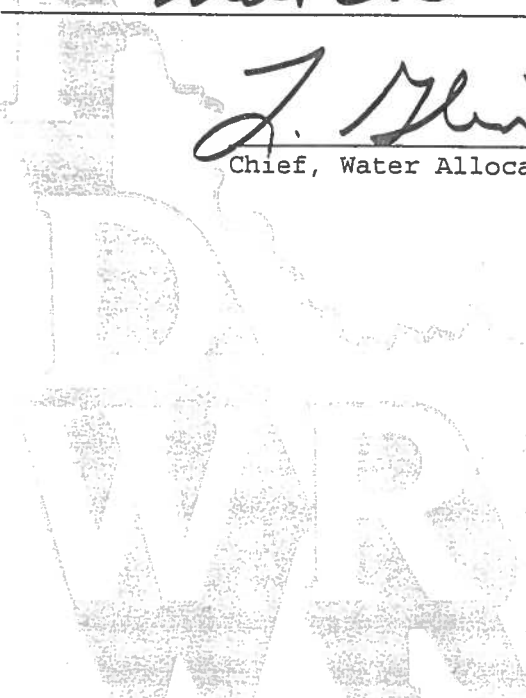
TRANSFER NO. 5530  
WATER RIGHT NO. 72-10488

CONDITIONS OF APPROVAL AND REMARKS

5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. All water rights within Basin 72 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
7. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.

Dated this 17<sup>th</sup> day of March, 2000

  
Chief, Water Allocation Bureau



SC

CCY

1999 NOV 19 PM 12: 43

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED \_\_\_\_\_

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Water Rights: 72-10488

**NOTICE OF ADMINISTRATIVE  
PROCEEDING**

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

☒ I.C. § 42-222 transfer 5530

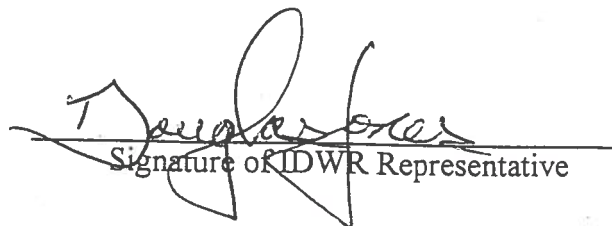
☒ point of diversion ☐ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed not later than:

October 6, 2000.

Dated 11/5/99

  
Signature of IDWR Representative

## INSTRUCTIONS FOR MAILING

Mail this form to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

## CERTIFICATE OF MAILING

I certify that on 11/19/1999, 1999, I mailed the original and copies of this form to the following persons, postage prepaid, and addressed as follows:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls ID 83303-2707
2. One copy to:  
Claimant/Seller for Substitution of Party or attorney of record:  
Scott L Campbell  
PO Box 1539  
Boise ID 83701
3. One copy to:  
Claimant/Purchaser for Substitution of Party or attorney of record:
4. One copy to:  
Each party in the subcase, or attorney of record:



Signature of person or attorney mailing the form



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

November 17, 1999

DIRK KEMPTHOR  
GOVERNOR

KARL J. DREHE  
DIRECTOR

SCOTT CAMPBELL  
ELAM & BURKE  
PO BXO 1539  
BOISE ID 83701

RE: SRBA Claim(s) 36-02526/ABC Agra LLC  
72-00135, 72-10488/Thompson Creek Mining

Dear Counselor:

Please find the enclosed copy of the Notice of Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

After IDWR completes the indicated administrative process, and has modified the SRBA claims, you will be forwarded a Notice of Completed Administrative Proceeding. Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett  
Technical Records Specialist

Enc.

RECEIVED  
JUL 22 1999

Department of Water Resources  
Southern Region

DEPARTMENT OF WATER RESOURCES

Transfer No. 5530

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Send all correspondence to:  
Scott L. Campbell, P.O. Box 1539,  
Boise, Idaho 83701

Name of applicant Thompson Creek Mining Co.

Phone (208) 838-2200

Post Office address c/o Bert Doughty, P.O. Box 62, Clayton, ID 83227

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_

2. Describe the reason for the proposed changes Thompson Creek intends to install a pump in the Salmon River in order to divert under this right. The existing point of diversion has been abandoned for environmental reasons, specifically, to help protect anadromous fish.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

| 1. Right Number   | Priority            | Amount (cfs/ac-ft) | Nature of Use     | Period of Use       |
|-------------------|---------------------|--------------------|-------------------|---------------------|
| <u>A 72-10488</u> | <u>May 24, 1888</u> | <u>.72 cfs</u>     | <u>irrigation</u> | <u>4/1 to 10/31</u> |
| _____             | _____               | _____              | _____             | _____ to _____      |
| _____             | _____               | _____              | _____             | _____ to _____      |
| _____             | _____               | _____              | _____             | _____ to _____      |
| _____             | _____               | _____              | _____             | _____ to _____      |

2. Total amount of water being transferred .72 cfs cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Source of water Salmon River tributary to Snake River

4. Point(s) of Diversion:

| Lot      | 1/4 | 1/4       | 1/4       | Sec.      | Twp.       | Rge.       | County        | Local name for diversion |
|----------|-----|-----------|-----------|-----------|------------|------------|---------------|--------------------------|
| <u>6</u> |     | <u>SE</u> | <u>SE</u> | <u>25</u> | <u>11N</u> | <u>16E</u> | <u>Custer</u> |                          |
|          |     |           |           |           |            |            |               |                          |
|          |     |           |           |           |            |            |               |                          |
|          |     |           |           |           |            |            |               |                          |

5. Lands irrigated or place of use:

| Twp.       | Rge.       | Sec.      | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |           | Totals   |
|------------|------------|-----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-----------|----------|
|            |            |           | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4    |          |
| <u>11N</u> | <u>16E</u> | <u>25</u> |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | <u>8</u>  | <u>8</u> |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | <u>16</u> |          |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |           |          |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |           |          |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |           |          |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |           |          |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |           |          |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |           |          |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |           |          |

Total acres 8

# MEMO

FROM: Allen Merritt *AM*

DATE: November 4, 1999

TO: Transfer File No. 5530  
Water Right(s): 72-10488

In the Name of: Thompson Creek Mining Co.

SUBJECT: Review and Recommendation

This transfer proposes to change the point of diversion from one relying on gravity to one near the place of use which will rely on a pump. The change in point of diversion is to improve the fishery in the river. See Stanton's 8/2/99 memo. The subject right recommendation is objected to in the SRBA.

## Recommendation

I recommend that the transfer be approved subject to the following conditions:

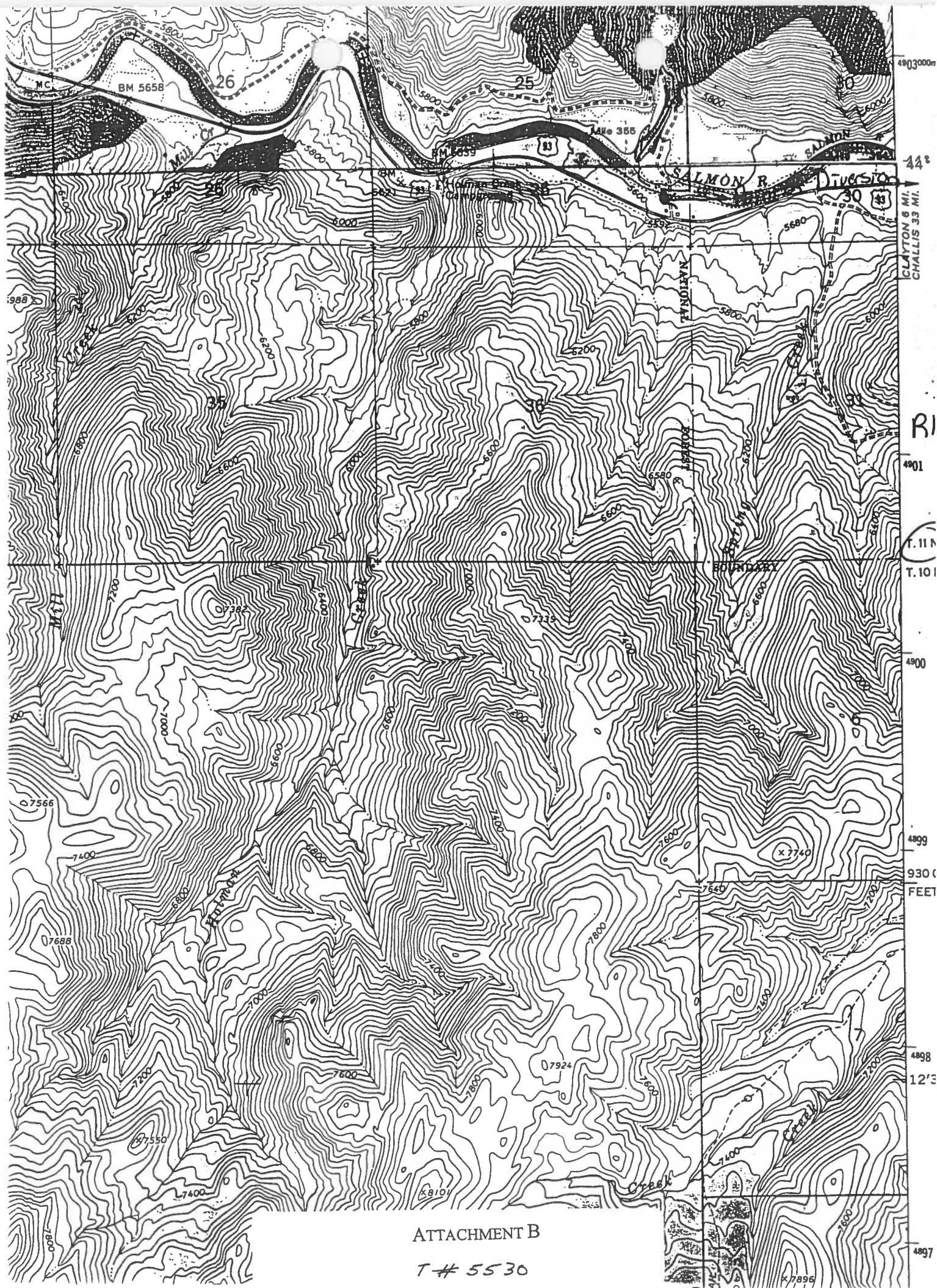
-Subject to SRBA final determination. ( At issue is number of acres, rate, etc.; approval of this transfer only deals with change in P/D, the other elements of right are subject to SRBA determination. Note that any allowance for conveyance loss in SRBA recommendation should be removed with the change in P/D.)

-Pump intake should be screened with ¼" mesh or smaller to prevent takings of fish.

-Measuring device must be installed on pump diversion.

\*\*Notify SRBA of approval of this transfer.

Note that SRBA GIS has been changed to reflect this transfer and the GIS shapes are on South325.

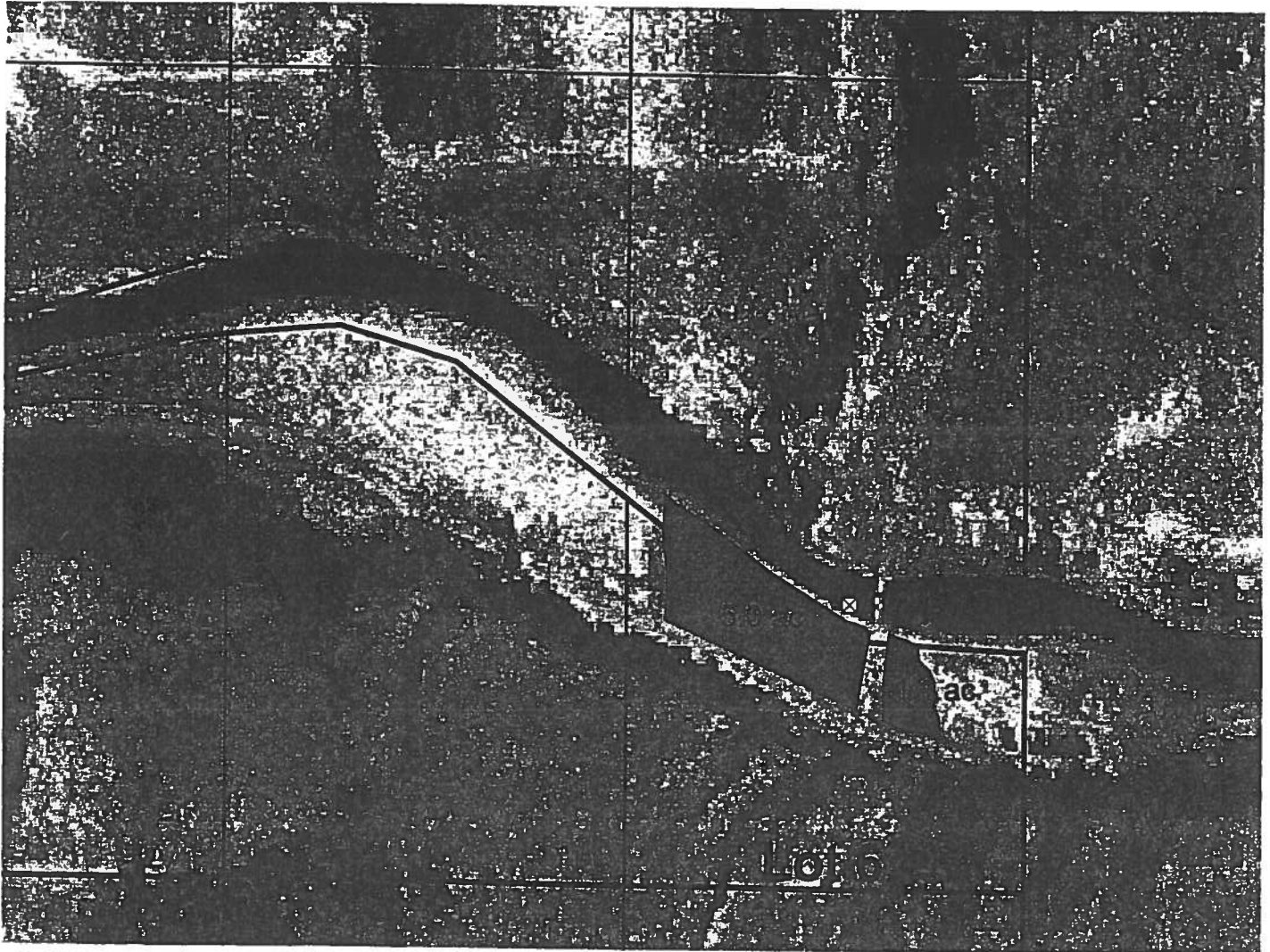


ATTACHMENT B

T# 5530

# THOMPSON CREEK MINING- TRANSFER #1

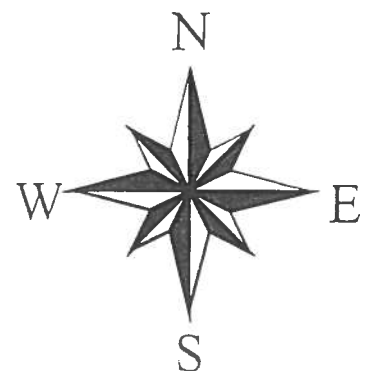
SE 1/4 Sec. 25 T. 11N R. 16E



☒ Proposed New P/D

■ Present P/U Per SRBA

Prepared By J E Stanton  
8-2-1999



T-#55

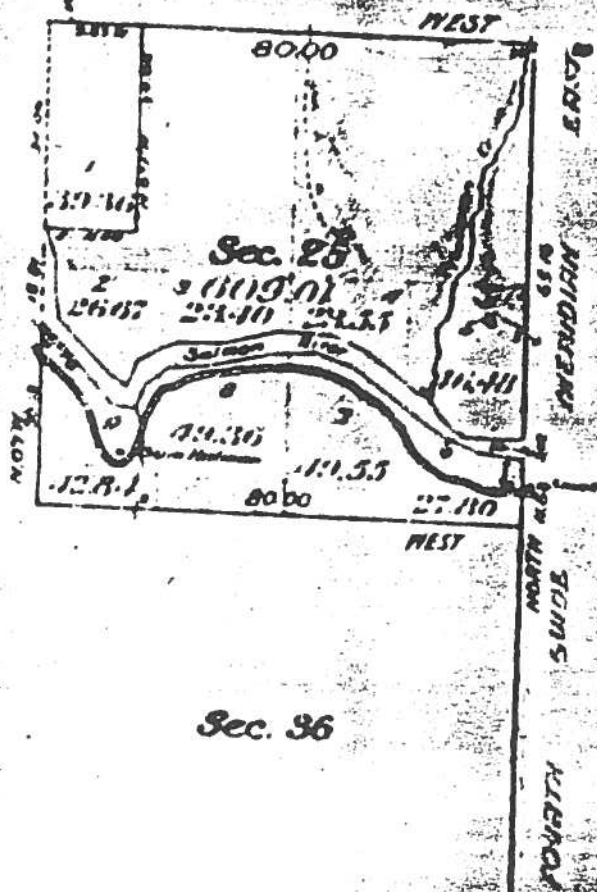
Sec. 23

Sec. 24

Sec. 26

Sec. 35

Sec. 36



| Areas in Acres.    |        |
|--------------------|--------|
| Public Land        | 609.01 |
| Indian Reservation |        |
| Indian Allotments  |        |
| Mineral Claims     |        |
| Water Surface      | 30.99  |
| Total Area         | 640.00 |

Lat. 43° 14' 30" N.  
Long. 114° 28' W.



Scale 40 Chains to an Inch  
Mean Magnetic Declination 19° 31'

we map of Township No. 11 North Range No. 16 East of the Boise  
Idaho is strictly conformable to the field notes of the survey there  
made, which have been examined and approved.

Surveyor General's Office,  
Boise, Idaho, September 27, 1911.

*Darius A. Zitt*  
Surveyor General

TO: File

DATE: August 2, 1999

FROM: Jim Stanton

SUBJECT: App. for Transfer #5530, Thompson Creek Mining

This claim has already been reviewed by SRBA, so I do not plan to visit the site. The applicant has claimed 8 acres of irrigation, but the SRBA has only recommended 6 acres. The transfer is based on 8 acres. The findings have been objected to, but the objection did not state exactly what they disagreed with. The transfer should be limited to 6 acres unless a Form 5 is executed to change the findings. GIS says the total P/U (based on the SRBA map) is 6.05 acres; my map states this as 6.1 acres total.

With regard to the flow rate, the recommended rate is for 0.31 cfs for irrigation and 0.41 cfs for conveyance loss. The land will now be sprinkled with a pump (per telecon w/Bert Doughty this date), so the application should only be approved for 0.02 cfs per acre.

As long as the above problems are resolved, I recommend the transfer be approved. Removing fish-killing gravity diversions from the Salmon River is certainly a good idea, and the conversion to sprinklers will keep more water in the stream.

TO: File

DATE: August 2, 1999

FROM: Jim Stanton

SUBJECT: App. for Transfer #5530, Thompson Creek Mining

This claim has already been reviewed by SRBA, so I do not plan to visit the site. The applicant has claimed 8 acres of irrigation, but the SRBA has only recommended 6 acres. The transfer is based on 8 acres. The findings have been objected to, but the objection did not state exactly what they disagreed with. The transfer should be limited to 6 acres unless a Form 5 is executed to change the findings. GIS says the total P/U (based on the SRBA map) is 6.05 acres; my map states this as 6.1 acres total.

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As long as the above problems are resolved, I recommend the transfer be approved. Removing fish-killing gravity diversions from the Salmon River is certainly a good idea, and the conversion to sprinklers will keep more water in the stream.

6/9/94

## COMMUNICATION DOCUMENTATION

Claim No. see below

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent: Steve Clelland

11/22/99 1:20 PM

NAME:

## STEVE SPENCER

# CALLIN

RE:

## USFS OBJECTIONS

He asked about several issues:

1. 72-04076 Petersen – POU is incorrect, appears to be an error in the original claim and I agree it was not right; I missed the correction in the Dir. Rpt. POU should read T19E not T18E.
2. 72-07044 Barrett – discrepancies about the mapping location in an un-surveyed area. Seems the US Govt has altered the possible mapping in the area. He plans to bring by some maps in the afternoon of 11/24.
3. 72-07050 Grouse Creek Mining – Licensed right and recommendation same as Lic. Report from USFS is the houses no longer exist. I am willing to view the info provided.
4. 72-10488 – Thompson Creek; this is the irrigation from the Holman Ditch system upstream from the mouth of Thompson Cr. They have replaced it with a well. I have no notice of this and it occurred after our fieldwork. It would have to have Transfer filed to be legal. (After the phone call, I found the reference to a Trans. #5530; dated 8/99.)



IDAHO DEPARTMENT OF WATER RESOURCES  
SOUTHERN REGION  
1341 FILLMORE ST SUITE 200  
TWIN FALLS ID 83301  
(208) 736-3033

DIRK KEMPTHORNE  
GOVERNOR

KARL J DREHER  
DIRECTOR

January 8, 1999

SCOTT CAMPBELL  
ELAM & BURKE  
PO BOX 1539  
BOISE ID 83701

Re: Notice of Error for SRBA Claim Nos. 72-00133, -00135, -00136, -00137, 72-04159F, 72-07193, 72-07220, 72-07257, 72-07414 & 72-10488

Dear Mr. Campbell,

This letter is in response to the Notice(s) of Error (NOE) you recently filed with IDWR regarding the Director's preliminary recommendation of the claim(s) listed above.

Your NOE indicates the preliminary recommendations are incorrect but fails to point out the specific errors made in each right you addressed. Therefore, I am unable to respond to your NOE reply with any corrections or revisions due to the vague generality of the errors described on such a variety of claims.

Since it appears you are objecting to the right being recommended, your complaints may be better addressed in the Objection phase of the process. If you still disagree with IDWR's recommendations, you will have an opportunity to file an objection to the Director's Report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process.

Please feel free to contact this office or me if you have further questions or need additional assistance.

Sincerely,

STEVE CLELLAND

Sr. Water Resource Agent

November 20, 1998

RECEIVED

DEC 21 1998

Department of Water Resources  
Southern Region

**Notice of Error  
Reply**

Please type or print clearly, fill out this completely and mail.

Return this reply to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:** December 18, 1998

Water right number: 72-10488

SCOTT L. CAMPBELL  
ELAM & BURKE  
PO BOX 1539  
BOISE, ID 83701

Daytime Telephone Number: (208) 343-5454  
Evening Telephone Number: (208) 343-5454

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Place of use, point of diversion, quantity, volume

2. Describe the changes you wish to make in the proposed recommendation:

Changes must be provided in personal conference in order to fully explain

3. Give a brief explanation as to why you disagree with these portions:

Because the preliminary recommendations are incorrect

\_\_\_\_ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12-18-98

SIGNATURE: \_\_\_\_\_

Please print your name: Scott L. Campbell

Attorneys for: Thompson Creek Mining Company

IDWR Southern Regional Office, 1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380, (208) 736-3033

RECEIVED

DEC 21 1998

Department of Fish & Game Resources  
Region

**ELAM & BURKE**

*A Professional Association*  
ATTORNEYS AND COUNSELORS AT LAW  
KEY FINANCIAL CENTER  
702 WEST IDAHO  
POST OFFICE BOX 1539  
BOISE, IDAHO 83701

TELEPHONE  
208-343-5454  
FACSIMILE

SCOTT L. CAMPBELL

December 18, 1998

208-384-5844

**SENT VIA FACSIMILE**

Ms. Trish Fawcett  
IDWR Southern Regional Office  
1341 Fillmore Street, Suite 200  
Twin Falls, ID 83301-3380

Re: Thompson Creek Mining Company's Snake River Basin Adjudication  
Water Right Claims/Preliminary Recommendations

Dear Ms. Fawcett:

Our firm represents Thompson Creek Mining Company. Attached please find a Notice of Error form for the following preliminary recommendations:

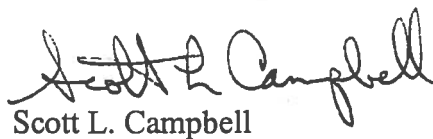
|           |           |
|-----------|-----------|
| 72-00048  | 72-00137  |
| 72-00051B | 72-04159F |
| 72-00051L | 72-07193  |
| 72-00051N | 72-07220  |
| 72-00133  | 72-07257  |
| 72-00135  | 72-07414  |
| 72-00136  | 72-10488  |

I am sending the originals of these Notice of Error Forms via U.S. mail today, along with a copy of each. If you could please date-stamp the copies and return them to me in the enclosed self-addressed, stamped envelope, I would appreciate it.

Thank you for your assistance in this matter, and if you have any questions, please do not hesitate to contact me.

Very truly yours,

ELAM & BURKE  
*A Professional Association*

  
Scott L. Campbell

SLC:thm G:\Thm\WPDATA\0016\00075-ltr.wpd  
encl.

cc: Bert Doughty (w/ encl.)  
Kevin Loughrey (w/ encl.)

AJ0749NP  
No. R72-10488

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 11/16/98  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                                                       | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|------------------------------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | THOMPSON CREEK MINING COMPANY<br>C/O BERT DOUGHTY<br>PO BOX 62<br>CLAYTON ID 83227<br>(208) 838-2200 | 05/24/1888       | IRRIGATION | 04-01 10-31           | 0.72 CFS          |                     |
| TOTAL DIVERSION: |                                                                                                      |                  |            |                       | 0.72 CFS          |                     |

Water Source: SALMON RIVER      Tributary to: SNAKE RIVER      Stage: BENEFICIAL USE

Point(s) of Diversion: T11N R16E S26 Lot07(SWSENE)      CUSTER County

Place of use Legal Description for: IRRIGATION

|             | NE      | NW      | SW      | SE      | SUM   |
|-------------|---------|---------|---------|---------|-------|
| T R S       | : Lt Ac | : Lt Ac | : Lt Ac | : Lt Ac | : SUM |
| 11N 16E 25  | :       | :       | :       | :       | :     |
| TOTAL ACRES |         |         |         |         | 6.0   |

POU County: CUSTER

Other Rights: NONE

Remarks: EXP 0.41 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE  
LOSSES IN DELIVERY OF THIS RIGHT.

Dates: Exam Made Date: 06/15/1993      Verified Date: 11/16/1998      Objection Filed Date:

Misc: Water District Number:      Field Inspection Flag:  
Presumption Flag:

CLAIM NUMBER

A72-10488

DATE

11/3/98

TRANSFER NUMBER

AGENT

SC

CLAIMED ACRE TOTAL

8

GIS ACRE TOTAL

6.

|       | TWP | RNG | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |        |
|-------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|       |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE     |
| CLAIM | 11N | 16E | 25  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 8 8    |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 6.1 6. |
| RECOM |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 6 6    |
| CLAIM |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| RECOM |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| CLAIM |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| RECOM |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

B72-DBPOU.SHP

Reid POU = 6.0 Acres

SHAPE NOS.

415 West

416 East

B72-DBPOD.SHP

NOS. DESCRIPTION

261 (L7)(SWSENE)

Std Season:  
4/1 10/31

DBF TABLES UPDATED

B72-DBPOU.DBF

B72-DBPOD.DBF

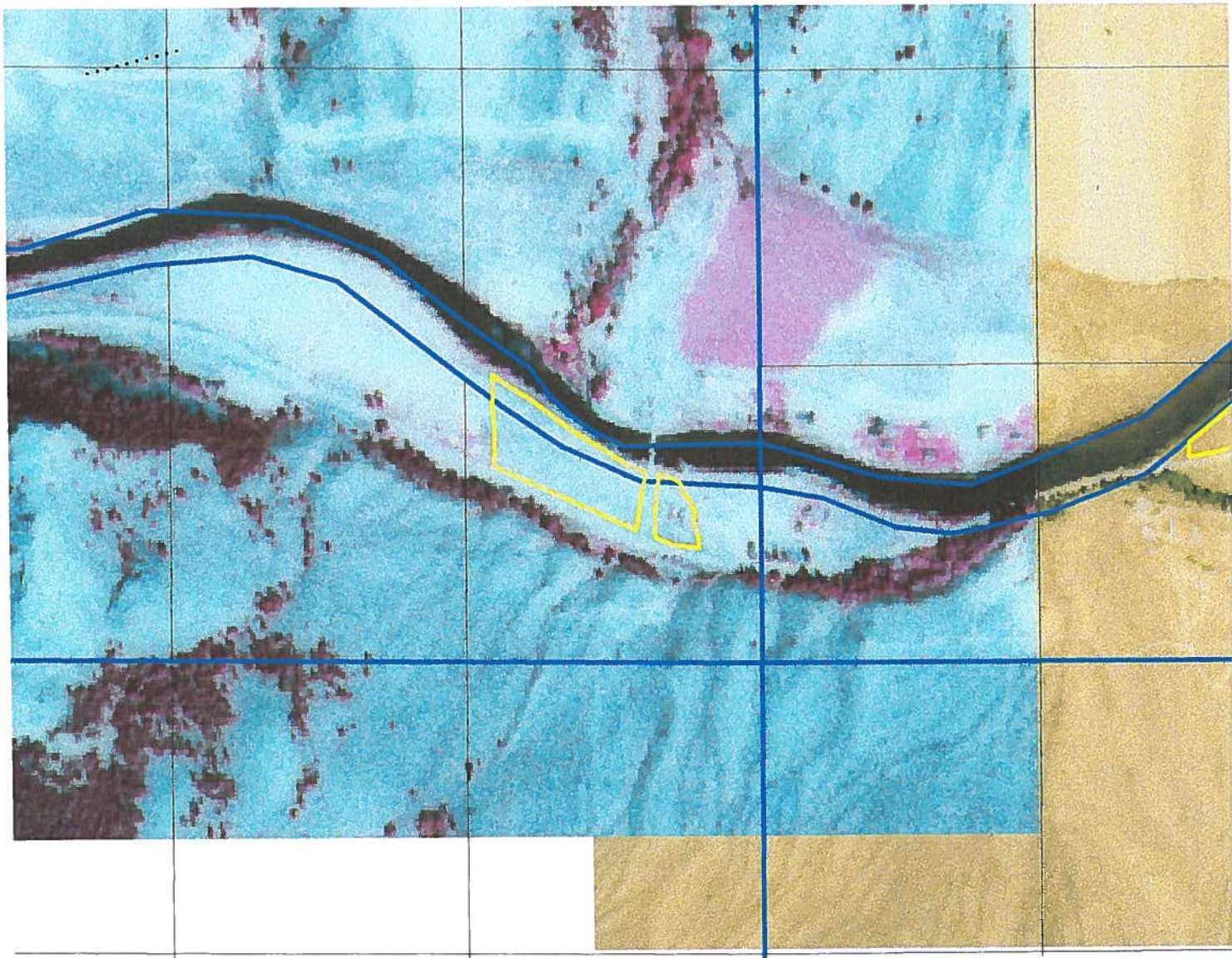
JPEG LAYOUT

✓ 11/10/98  
SC

72-10488. /pg

# IDAHO DEPARTMENT OF WATER RESOURCES

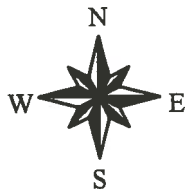
## 72-10488



660 0 660 1320 Feet

-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER-QUARTER LINES
-  STREAMS & DITCH CHANNELS

TWN: 11N  
RNG: 16E  
SEC: 25  
SESE



GIS PLACE OF USE PRESENTATION  
USFS AERIAL PHOTOGRAPHY, 1988  
BY STEVE CLELLAND

DATE: NOV. 3, 1998

# TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: MARK STARK

Thompson Creek Mining Co.

838-2299

TOTAL PAGES SENT: 2+cover

DOCUMENT DESCRIPTION: Rights on Thompson Cr.

FROM: IDAHO DEPARTMENT OF WATER RESOURCES  
1341 Fillmore Street, Suite 200  
Twin Falls ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

SENDER: Steve Clelland

## CHARGES:

One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost \$0.25 per page. (\$0.50 minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: \_\_\_\_\_  
Please remit to the above address.

COMMENTS: \_\_\_\_\_

01/22 11:26  
9120888382299-540044

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

TIME : 01/22/1998 11:27  
NAME : IDWR SOUTHERN REGION  
FAX : 208/363037  
TEL : 208/7363033

TRANSMISSION VERIFICATION REPORT

$$\frac{z}{y}$$

Stage: BENEFICIAL USE  
CUSTER County

T11N R16E S26 Lot07(SWSENE)

Place of use Legal Description for: IRRIGATION  
NE

| Place       | Use  | Legal | Section | Town | Range | NE   | NW   | SW   | SE   | Sum  |
|-------------|------|-------|---------|------|-------|------|------|------|------|------|
| NENE        | NWNE | SWNE  | NENW    | NWNW | SWNW  | SENW | NESE | NWSE | SWSE | SESE |
| Lt          | Ac   | Lt    | Ac      | Lt   | Ac    | Lt   | Ac   | Lt   | Ac   | Lt   |
| 11N         | 16E  | 25    | :       | :    | :     | :    | :    | :    | :    | :    |
| TOTAL ACRES |      |       |         |      |       |      |      |      |      | 6.0  |

POU County: CUSTER

**Other Rights: NONE**

Remarks:

0.41 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE  
LOSSES IN DELIVERY OF THIS RIGHT.

**Dates:**      **Exam Made Date:**    06/15/1993

Verified Date: 4/01/20/1994

**Misc:**

Water District Number:

Field Inspection Flag:  
Presumption flag:

**Comments:**

Date: 12/29/1993 User-ID: CLELAND Subject: RECOMMENDATION & DIVERSION  
D08-DIVERSION RATE OF 0.052 CFS PER ACRE AT THE FIELD HEADGATE IS  
INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED.  
BASED ON HUBBLE ANALYSIS OF THE SYSTEM AND SOILS. CONVEYANCE  
LOSSES = 0.41 CFS.  
AMENDED CLAIM FOR EXCESS FLOWS AND CONV. LOSSES AND RECOMMENDED.

Date: 12/29/1993 User-ID: CLELAND Subject: COPIED FROM REMARKS  
SEE EXHIBIT B - COPY OF THE POSTED NOTICE FOR THIS WATER RIGHT.

## Audit

01/20/94 CLELLAND

**MICROFILMED**  
**NOV 01 1994**

NOV 01 1994

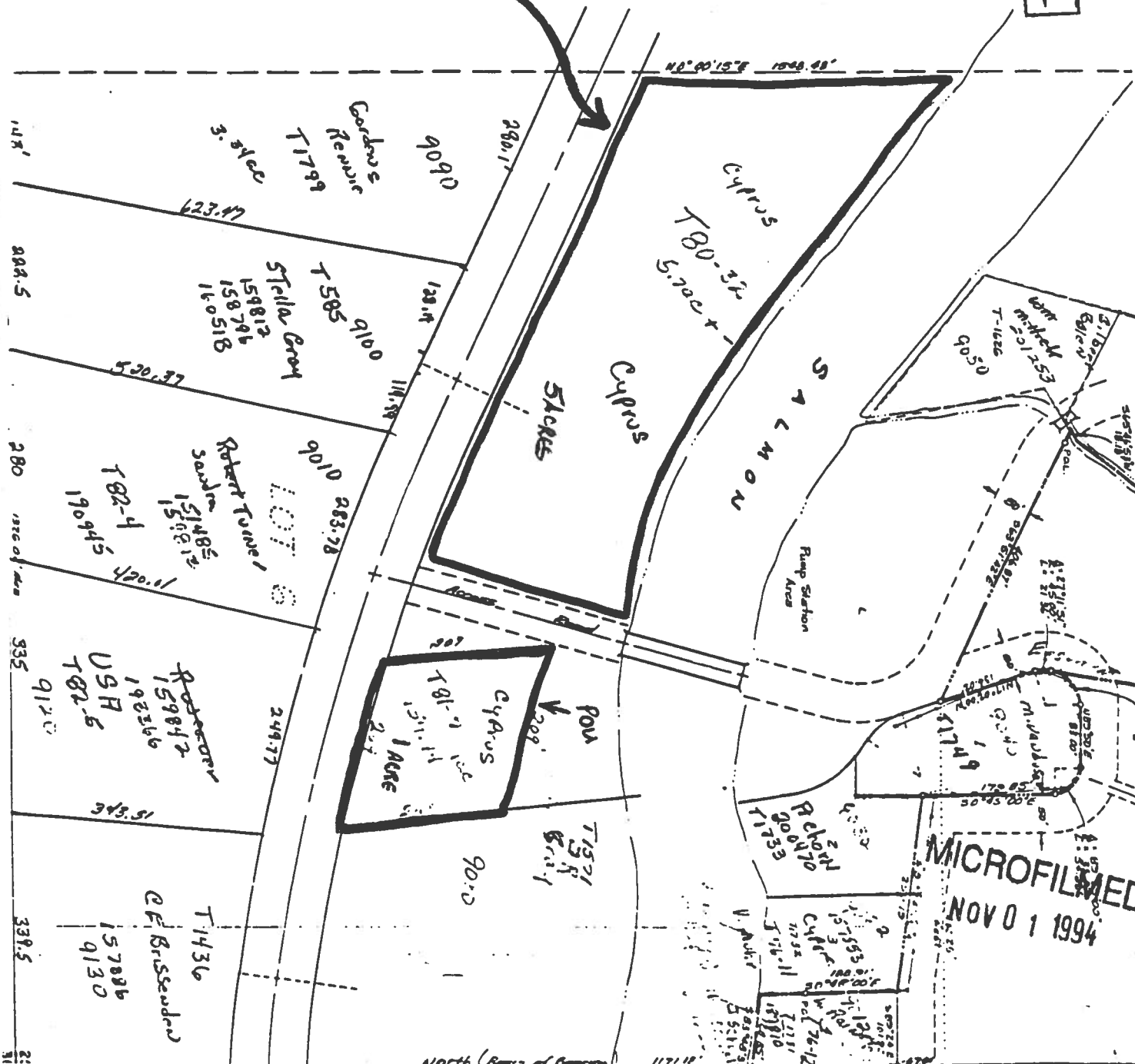
of the  
Recommendation  
MIG

This remains  
will be taken  
off the record  
Listening

ss  
1/21/98

MICROFILMED  
NOV 01 1994

6 ACRES  
Pay  
A72-10488



RECEIVED  
JAN 21 1998Department of Water Resources  
Southern Region

Thompson Creek

Mining Company

P.O. BOX 62

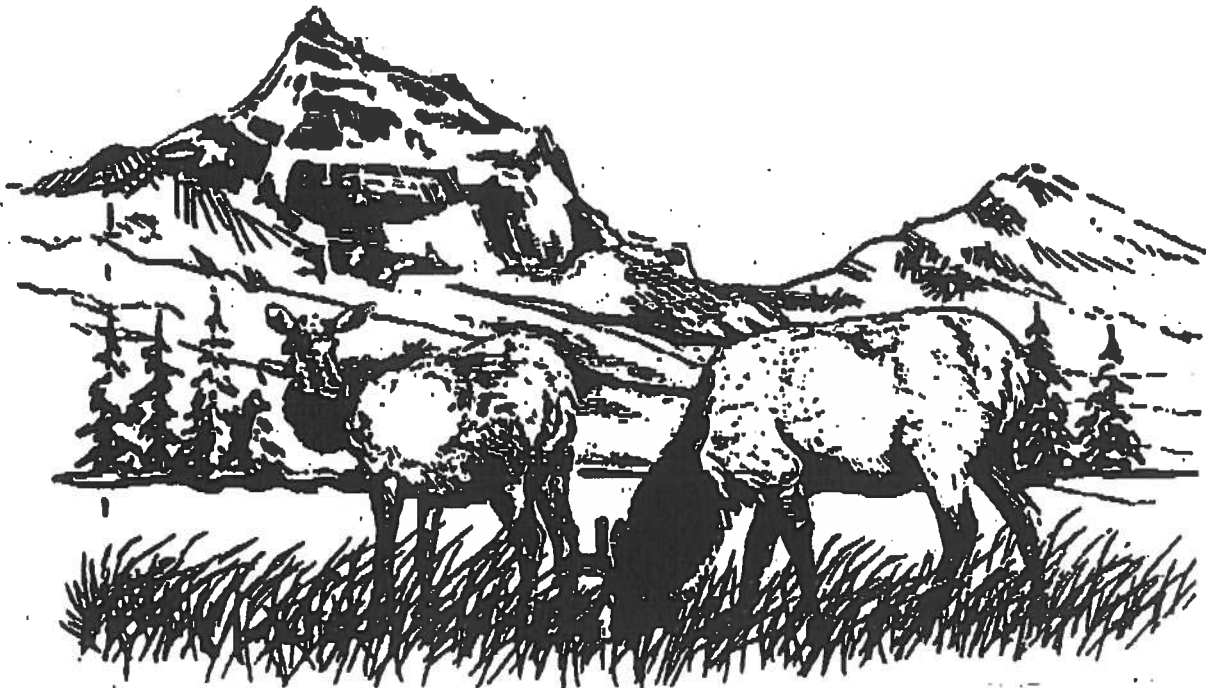
CLAYTON, IDAHO 83227

PHONE: (208) 838-2200 FAX: (208) 838-2299

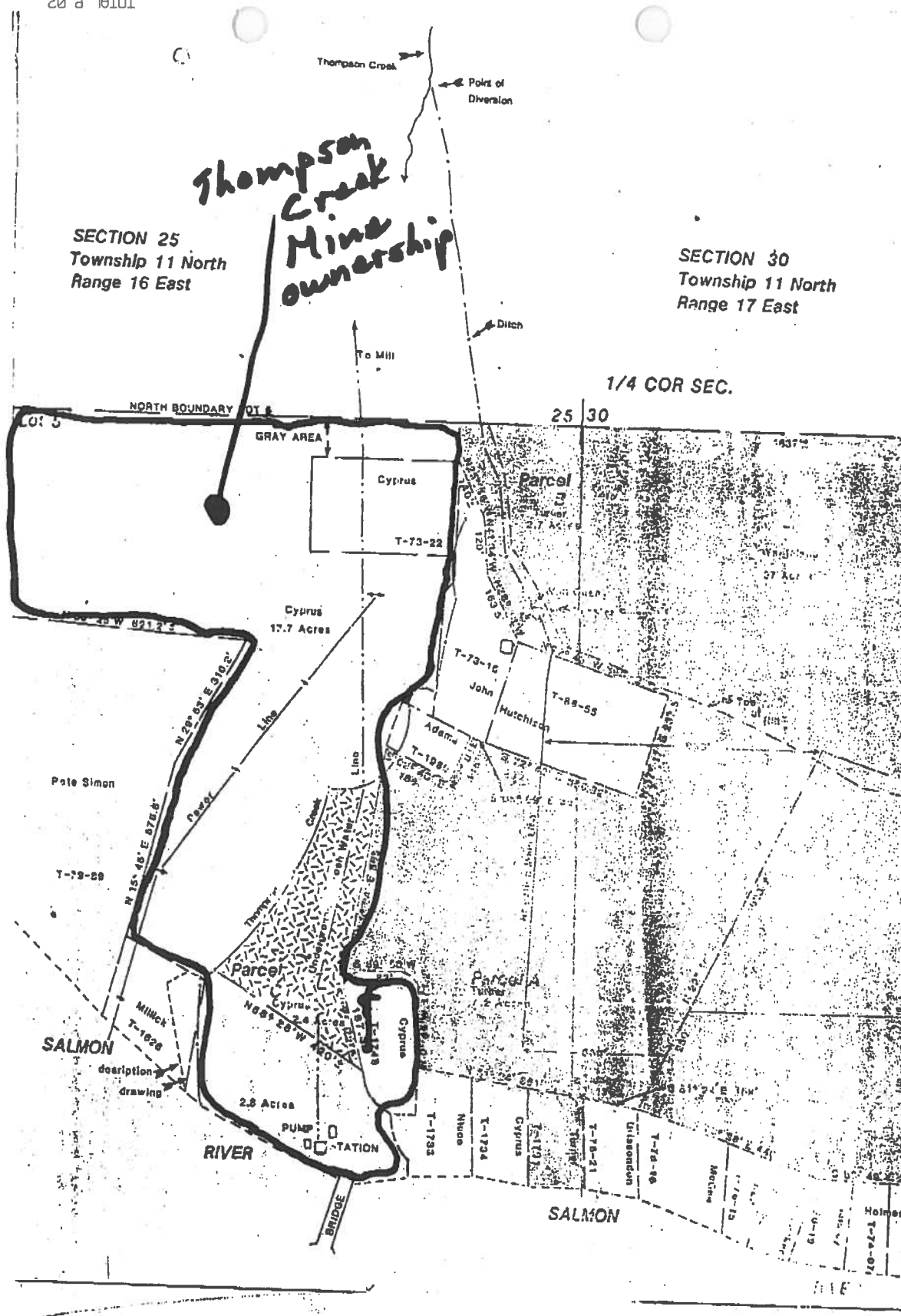
TO: Steve ClellandCOMPANY: IDWRFAX NUMBER: 208 736 3037FROM: Mark Stark / Dave BergerCOMPANY: TCMCDATE: 1-21-98

Steve - Here is the map you requested.  
We have an idea we have been horn-swing  
out of our water rights for this property & are  
trying to figure out what state records sho  
before we move any further. Thanks for your he

THIS TRANSMISSION CONSISTS OF 2 PAGE(S), INCLUDING THIS PAGE. IF  
ANY PROBLEMS OCCUR DURING TRANSMISSION, PLEASE CALL.



THIS FACSIMILE TRANSMITTAL IS CONFIDENTIAL AND TO BE DELIVERED ONLY  
TO THE PERSON DESIGNATED ABOVE.



RIGHTS Found

Cyprus 4159B <SPLIT>  
TCM = 10488 .72/6AC

(4159D - Turner  
4159E - Holmes-Kalenik-Shind

4159C - Hutchison

over  
plan

Mark Stick

Thompson C/K

(A72-04159D

11N RUG E Sec 25

NE corner

838-2299 FAX

Thompson CK Mile

Exhibit B

A72-10488

**R PROOF**

**CVR**

**MAPS**

**PHOTOS**

**MISC**

—

—

—

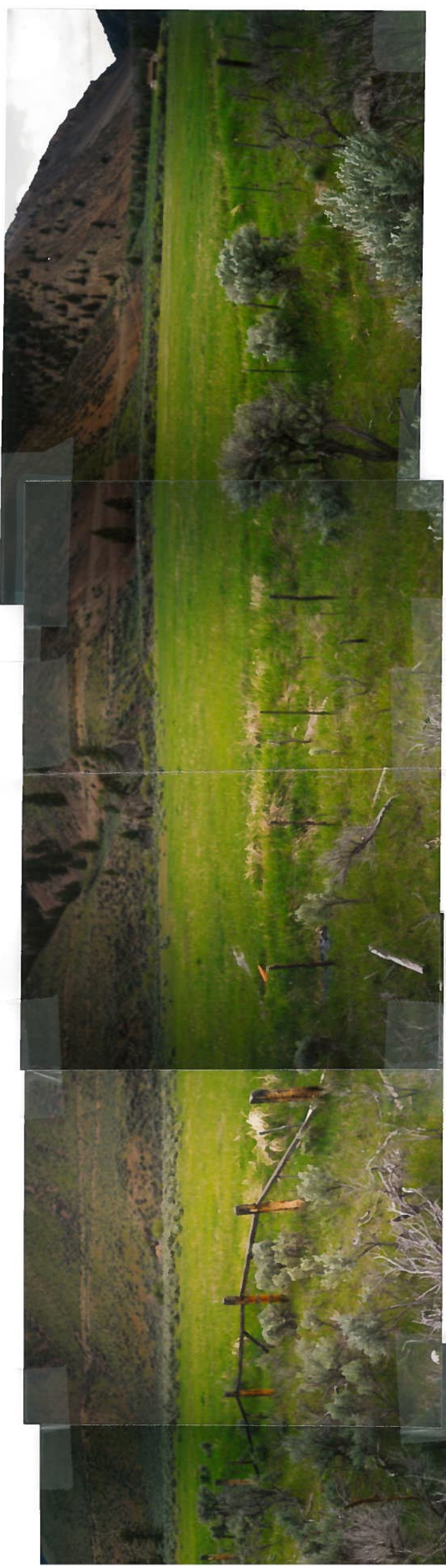
—

—

us Thompson Mining Co.

A72-10488

SEP 1 1988  
MICHOELTINED.



Pou under Holman Ditch.

Mr. David Shaw  
December 28, 1993  
Page Two

---

These changes are applicable to the following water rights for Thompson Creek Mining Company:

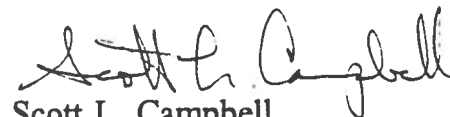
A72-00048  
A72-00051B  
A72-00051L  
A72-00051N  
A72-00110  
A72-00111  
A72-00133  
A72-00135  
A72-00136

A72-00137  
A72-04055C  
A72-04080H  
A72-07193  
A72-07219  
A72-07220  
A72-07257  
A72-17414  
A72-10488

Thank you for your cooperation. If you have any questions, please do not hesitate to call.

Very truly yours,

ELAM & BURKE  
*A Professional Association*

  
Scott L. Campbell

SLC:ma

**MICROFILMED**  
**NOV 01 1994**



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000  
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

January 12, 1994

Scott L. Campbell  
Elam & Burke  
P.O. Box 1539  
Boise, ID 83701

RE: Snake River Basin Adjudication (SRBA)  
Change of Firm Affiliation of Counsel and  
Change of Company Name for Thompson Creek  
Mining Company

Dear Mr. Campbell:

A copy of a report documenting your change of address and affiliation is enclosed.

To process the name change for the company, please supply a copy of the document filed with the Secretary of State or other document verifying the change. If the property was conveyed to new owners, a change of ownership form (enclosed) could be completed and filed in lieu of any copy above.

IDWR records indicate a claim A72-04151 for Cyprus Thompson Creek Mining Company that was not included on the list you supplied. Please notify us if you will also represent your client for this claim also.

Thanks for keeping us informed. If you have any questions, please give me a call.

Sincerely,

Donald V. Shaff  
Manager, Adjudication Section

DVS:sf:region

Enclosures:

Adjudication Attorney Name Add/Update Report  
Form 42-1409(7)

**MICROFILMED**  
**NOV 01 1994**  
**RECEIVED**

JAN 19 1994

Department of Water Resources  
Southern Region Office

AJ514NP

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION ATTORNEY NAME ADD/UPDATE

DATE: 01/11/94  
TIME: 23:58:38.9  
PAGE: 1

INPUT: AJ\_SELECTION:SHAFF-CAMPBELL.SEL

TYPE OF ACTION: MODIFY  
MODIFY ALL FIELDS FLAG: N  
LAST NAME:  
ADDRESS LINE 1: ELAM & BURKE  
ADDRESS LINE 3: PO BOX 1539  
CITY: BOISE  
STATE: ID ZIP: 837011539  
FIRST NAME:  
ADDRESS LINE 2: 702 W IDAHO ST  
PHONE NUMBER: (208) 343-5454

A72-00048 SUCCESSFULLY CHANGED ON HOST  
A72-00051B SUCCESSFULLY CHANGED ON HOST  
A72-00051L SUCCESSFULLY CHANGED ON HOST  
A72-00051N SUCCESSFULLY CHANGED ON HOST  
A72-00110 SUCCESSFULLY CHANGED ON HOST  
A72-00111 SUCCESSFULLY CHANGED ON HOST  
A72-00133 SUCCESSFULLY CHANGED ON HOST  
A72-00135 SUCCESSFULLY CHANGED ON HOST  
A72-00136 SUCCESSFULLY CHANGED ON HOST  
A72-00137 SUCCESSFULLY CHANGED ON HOST  
A72-04055C SUCCESSFULLY CHANGED ON HOST  
A72-04080H SUCCESSFULLY CHANGED ON HOST  
A72-07193 SUCCESSFULLY CHANGED ON HOST  
A72-07219 SUCCESSFULLY CHANGED ON HOST  
A72-07220 SUCCESSFULLY CHANGED ON HOST  
A72-07257 SUCCESSFULLY CHANGED ON HOST  
A72-07414 SUCCESSFULLY CHANGED ON HOST  
A72-10488 SUCCESSFULLY CHANGED ON HOST  
R72-00048 SUCCESSFULLY CHANGED ON HOST  
R72-00051B SUCCESSFULLY CHANGED ON HOST  
R72-00051L SUCCESSFULLY CHANGED ON HOST  
R72-00051N SUCCESSFULLY CHANGED ON HOST  
R72-00110 SUCCESSFULLY CHANGED ON HOST  
R72-00111 SUCCESSFULLY CHANGED ON HOST  
R72-00133 SUCCESSFULLY CHANGED ON HOST  
R72-00135 SUCCESSFULLY CHANGED ON HOST  
R72-00136 SUCCESSFULLY CHANGED ON HOST  
R72-00137 SUCCESSFULLY CHANGED ON HOST  
R72-04055C SUCCESSFULLY CHANGED ON HOST  
R72-04080H SUCCESSFULLY CHANGED ON HOST  
R72-07193 SUCCESSFULLY CHANGED ON HOST  
R72-07219 SUCCESSFULLY CHANGED ON HOST  
R72-07220 SUCCESSFULLY CHANGED ON HOST  
R72-07257 SUCCESSFULLY CHANGED ON HOST  
R72-07414 SUCCESSFULLY CHANGED ON HOST  
R72-10488 SUCCESSFULLY CHANGED ON HOST

NOV 01 1994  
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RECEIVED

JAN 10 1994

Department of Water Resources

NOV 01 1994  
MICROFILMED

POOR ORIGINAL

**ELAM & BURKE**  
*A Professional Association*  
ATTORNEYS AND COUNSELORS AT LAW  
*Established in 1928*

KEY FINANCIAL CENTER  
702 WEST IDAHO  
POST OFFICE BOX 1539  
BOISE, IDAHO 83701

SCOTT L. CAMPBELL

RECEIVED  
DEC 29 1993  
Department of Water Resources

TELEPHONE  
208-343-5454

FACSIMILE  
208-384-5844

December 28, 1993

Mr. David B. Shaw  
Bureau chief  
Adjudications Bureau  
State of Idaho  
Department of Water Resources  
1301 North Orchard  
Boise, Idaho 83706

RECEIVED

JAN 18 1994

Department of Water Resources  
Boise, Idaho 83706

Re: Change of Firm Affiliation of Counsel and Change of Company Name  
for Thompson Creek Mining Company

Dear Mr. Shaw:

This correspondence is to notify the Department of my change of address and affiliation. I am presently a partner with the law firm Elam & Burke at the following address:

Scott L. Campbell  
Elam & Burke  
702 West Idaho Street  
P.O. Box 1539  
Boise, Idaho 83701  
(208) 343-5454

Additionally, the name of the company has been changed from Cyprus Thompson Creek Mining Company to Thompson Creek Mining Company.

MICROFILMED  
NOV 01 1994

POOR ORIGINAL

.52 FIR  
.46 CL } 10 Ac.

.31 FIR  
.41 CL } 6 Ac.

1.70 cfs irrigation  
uses

3.93 @ meas. @ POD

= 2.23 cfs  
Remains for use @  
FISH SCREEN

[ 2.47 ← Compare with meas.  
cfs by Butt Barry -  
at Fish Screen  
538

## REVIEW Notes

By SCC

12-29-93

Comparison of  
Field irrigation  
Requirements (FIR),  
Conveyance Losses (CL),

IDWR measurements  
taken on Holman Ditch.

MICROFILMED

NOV 01 1994

OWNER NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME  
C THOMPSON CREEK MINING COMPANY 05/24/1888 IRRIGATION 05-01 09-30 0.72 CFS  
C/O BERT DOUGHTY  
PO BOX 62  
CLAYTON ID 83227  
(208) 838-2200  
TOTAL DIVERSION: 0.72 CFS  
CONSUMPTIVE USE: 12.00 AFA

Water Source: SALMON RIVER Tributary to: SNAKE RIVER Stage: BENEFICIAL USE

Point(s) of Diversion: T11N R16E S26 Lot07(SWSENE) CUSTER County

Place of use legal Description for: IRRIGATION

|             |     | NE |    | NW |    | SW |    | SE |    |     |
|-------------|-----|----|----|----|----|----|----|----|----|-----|
| T           | R   | S  | Ac | Ac | Ac | Ac | Ac | Ac | Ac | SUM |
| 11N         | 16E | 25 | :  | :  | :  | :  | :  | :  | :  | 6.0 |
| TOTAL ACRES |     |    |    |    |    |    |    |    |    | 6.0 |

POU County: CUSTER  
Other Rights: NONE

Remarks: 0.41 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE  
LOSSES IN DELIVERY OF THIS RIGHT.

Dates: Exam Made Date: 06/15/1993 Verified Date: 01/20/1994

Misc: Water District Number: Field Inspection Flag: Presumption Flag:

Comments: Date: 12/29/1993 User-ID: CLELLAND Subject: RECOMMENDATION & DIVERSIONS  
D08-DIVERSION RATE OF 0.052 CFS PER ACRE AT THE FIELD HEADGATE IS  
INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED.  
BASED ON HUBBLE ANALYSIS OF THE SYSTEM AND SOILS. CONVEYANCE  
LOSSES = 0.41 CFS.  
AMENDED CLAIM FOR EXCESS FLOWS AND CONV. LOSSES AND RECOMMENDED.  
Date: 12/29/1993 User-ID: CLELLAND Subject: COPIED FROM REMARKS  
SEE EXHIBIT B - COPY OF THE POSTED NOTICE FOR THIS WATER RIGHT.

Audit: 01/20/94 CLELLAND

MICROFILMED  
NOV 0 1 1994

**OWNER**  
NAME & ADDRESS  
C CYPRIUS THOMPSON CREEK MINING CO  
C/O BERT DOUGHTY  
PO BOX 62  
CLAYTON ID 83227  
(208) 838-2200

**PRIORITY**  
DATE 05/24/1888  
**WATER USE**  
IRRIGATION

**USE PERIOD**  
FROM 05-01 TO 09-30  
**DIVERSION RATE**  
0.16 CFS  
**DIVERSION VOLUME**  
12.0 AFA

Water Source: SALMON RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T11N R16E S26 Lot07(SWSENE)

CUSTER County

Place of use Legal Description for: IRRIGATION

| NE NW SW SE |     |    |    |    |    |    |    |    |    |    |             |
|-------------|-----|----|----|----|----|----|----|----|----|----|-------------|
| T           | R   | S  | NE | NW | SW | SE | NE | NW | SW | SE | SUM         |
| 11N         | 16E | 25 | Ac | Ac | Ac | Ac | Ac | Ac | Ac | Ac | Ac          |
| 11N         | 16E | 25 | :  | :  | :  | :  | :  | :  | :  | :  | :           |
|             |     |    |    |    |    |    |    |    |    |    | TOTAL ACRES |
|             |     |    |    |    |    |    |    |    |    |    | 6.0         |

POU County: CUSTER

Other Rights: NONE

Dates: Exam Made Date: 06/15/1993

Verified Date: NOT

Misc: Water District Number:

Field Inspection Flag:

Comments: Date: 12/29/1993 User-ID: CLELLAND Subject: COPIED FROM REMARKS  
SEE EXHIBIT B - COPY OF THE POSTED NOTICE FOR THIS WATER RIGHT.

Date: 12/29/1993 User-ID: CLELLAND Subject: RECOMMENDATION & DIVERSIONS  
DOB-DIVERSION RATE OF 0.052 CFS PER ACRE AT THE FIELD HEADGATE IS  
INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED.  
BASED ON HUBBLE ANALYSIS OF THE SYSTEM AND SOILS. CONVEYANCE  
LOSSES = 0.41 CFS.

Audit: 12/29/93 CLELLAND

*Conveyance*

*Spoke to Don Shoff in Boise -*

*He has received info from Mr. Campbell  
To change the conveyance. Suggested  
fixing New Name Division with amended copies.*

*DO2 =  
conveyance loss = 0.41 cfs*

*Wait for Claimant  
to respond to  
amendment request.*

*1 - MICROFILMED  
NOTED 1994*

*received amended claim  
allow verified use amount of  
0.72 cfs.  
see  
1-20-94*

6/9/94

## COMMUNICATION DOCUMENTATION

Claim No. A72-10488,

A72-10969 &

A72-10970

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland *su*

September 26, 1994 2:26pm

NAME:

MATT NEMETH

IDFG

756-2271

RE:

DE-WATERING OF STREAMS

HAD QUESTIONS ON MY EXAMS & FINDINGS ON KINIKINNIC CREEK AND HOLMAN CREEK.

KINIKINNIC CREEK: I EXPLAINED THE LICENSE THAT EXISTS AND AT THIS POINT OF REVIEW THAT IS THE SAME PROPOSED RECOMMENDATION I WILL MAKE TO THE DIRECTOR'S REPORT... NO EVIDENCE WAS FOUND OF FORFEITURE. I TOLD HIM HOW TO LOCATE THE CARETAKER I TALKED TO SINCE HE HAD SEVERAL QUESTIONS ON WHETHER THE MINE IS STILL IN OPERATION. I FOUND THE MINE STILL USES POWER GENERATED AT THE POWER PLANT OPERATION.

(SENT SRBA CLAIM PROOF A72-02068 TO IDFG)

HOLMAN CREEK: I DESCRIBED WHAT I FOUND ON MY EXAM OF THE AREA... THE DITCH WAS IN USE AND WAS USED TO IRRIGATE THE POU CLAIMED UNDER THE FEDERAL RESERVE RIGHT AND A CLAIM BY CYPRUS-THOMPSON. HE HAS FOUND THE HOLMAN CREEK FLOW ALSO ENTERING THE DITCH SYSTEM THAT DELIVERS SALMON RIVER WATER (VIA S38 FISH SCREEN).

I WILL REVIEW MY FILES AND CALLBACK WITH THE ACCURATE EXAM INFORMATION... IF THE STREAM NEEDS TO BE RE-WORKED I SUGGESTED HE WORK WITH TERRY BLAU.

REVIEWED FILES-- A72-10488, A72-10969 & A72-10970.

CALLBACK: 3:40 PM

I TOLD HIM THERE IS A RIGHT FROM THE HOLMAN CR. SOURCE... (I HAD TOLD HIM THERE WERE NONE). IT IS HELD BY THE USA/USFS AND IS

MICROFILMED  
SEP 27 1994

SUPPLEMENTAL TO THEIR CLAIM FROM THE SALMON RIVER... BOTH RIGHTS ARE FEDERAL RESERVE RIGHTS. HE REQUESTED COPIES OF THESE THREE CLAIMS. HE WILL WORK WITH THE SNRA STAFF TO RESOLVE THE SITUATION FROM THIS POINT.

SEND TO: IDFG  
PO BOX 1336  
SALMON ID 83467

A72-10488  
MICROFILMED  
NOV 01 1994



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

DECEMBER 29, 1993<sup>B</sup> KEITH HIGGINSON  
Director

SCOTT L CAMPBELL  
DAVIS WRIGHT TREMAINE  
702 W IDAHO ST #700  
BOISE ID 83702

\*\*\*\*\*RESPOND BY JAN. 14 1994\*\*\*\*\*

RE: CYPRUS THOMPSON CREEK MINING CO. UNCLAIMED PORTIONS FOR SRBA  
CLAIM A72-10488

DEAR MR. CAMPBELL,

IDWR HAS INVESTIGATED THE NOTICE OF CLAIM LISTED ABOVE, AND THE  
FOLLOWING UNCLAIMED AMOUNTS WERE DISCOVERED.

UNCLAIMED AMOUNTS:

IRRIGATION DIVERSION 0.72 CFS

BASED ON MY REVIEWS OF THIS CLAIM TO DATE I HAVE VERIFIED THE  
ABOVE DIVERSION AMOUNT AS NECESSARY TO IRRIGATE THE 6.0 ACRES  
FOUND AT THE PLACE OF USE CLAIMED BY A72-10488. THE SOIL TYPE  
HERE NEEDS 0.31 CFS TO IRRIGATE THE 6.0 ACRES AND 0.41 CFS IS  
NEEDED FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

IN ORDER TO CONFIRM OR ESTABLISH A RIGHT TO CONTINUE THE  
UNCLAIMED AMOUNT ABOVE, YOU MAY WANT TO AMEND YOUR NOTICE OF  
CLAIM TO ADD THIS AMOUNT.

IF YOU WISH TO CONFIRM OR ESTABLISH A RIGHT TO CONTINUE THE  
UNCLAIMED AMOUNTS, PLEASE CONTACT THIS OFFICE FOR FURTHER  
INFORMATION BY THE RESPONSE DATE SHOWN ABOVE. AN AMENDED CLAIM  
MUST BE FILED PROMPTLY FOR THE USES LISTED ABOVE TO BE CONSIDERED  
BY IDWR AND INCLUDED IN THE DIRECTOR'S RECOMMENDATIONS TO THE  
DISTRICT COURT.

IF NO RESPONSE IS RECEIVED BY THIS OFFICE, THEN IDWR WILL  
RECOMMEND YOUR RIGHT AS YOU HAVE CLAIMED IT. ENCLOSED IS A COPY  
OF THAT CLAIM FOR YOUR REFERENCE.

IF YOU HAVE ANY QUESTIONS PLEASE CONTACT ME AT OUR OFFICE.

SINCERELY,

STEVE CLELLAND  
WATER AGENT, SR.

MICROFILMED  
NOV 01 1994

CYPRUS THOMPSON CREEK MINING COMPANY  
Snake River Basin Adjudication

Notice of Claim to Water Right:

Number

Priority Date

A72-00048  
A72-00051B  
A72-00051N  
A72-00051L  
A72-00110  
A72-00111  
A72-00133  
A72-00135  
A72-00136  
A72-00137  
A72-04047  
A72-04055  
A72-04055C  
A72-04080  
A72-04080H  
A72-04151  
A72-04159  
A72-07083  
A72-07084  
A72-07099  
A72-07100  
A72-07101  
A72-07117  
A72-07118  
A72-07134  
A72-07193  
A72-07219  
A72-07220  
A72-07257  
A72-07267  
A72-07414  
A72-08811  
A72-10488

Beneficial Use  
Beneficial Use  
Beneficial Use

April 15, 1885  
May 1, 1885  
May 1, 1885

Notice Posted for "Getty Place" Water Right Holman Ditch  
Claim dated 01/09/90 for water from Salmon River,  
Priority Date: May 24, 1888

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NOV 01 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

May 22, 1992

Scott L. Campbell  
Davis, Wright, Tremaine  
702 W. Idaho St., #700  
Boise, ID 83702

RE: Change in Notice of Appearance of Counsel on the Snake River Basin Adjudication Claims for Owen Ranches, Pioneer Irrigation District, Cyprus Thompson Creek Mining Company, Conversion Industries U.S.A., Inc. and Settlers Irrigation District

Dear Scott:

The five computer reports enclosed confirm the change in firm and address you requested in your letter dated February 13, 1992. By comparing these reports to the list you supplied with your letter, you will see not all of the water right claims listed in your attachments were changed. Those claim records not changed are filed by persons other than your client(s).

The possibility of questions I raised in our telephone conversation last week were resolved for my part. If you have any questions or need some points clarified, please feel free to contact me.

Thank you for supplying the claim lists in an orderly fashion.

Sincerely,

Donald V. Shaff  
Manager, Adjudication Section

DVS:sf:region(s)

Enclosures:

Five Computer Reports

MICROFILMED  
NOV 01 1994

POOF ORIGINAL

U-72  
1964

1362 万石田

天仁

A72-10488

666  
60A.C.

30 Pou

**MICROFILMED**  
**NOV 01 1994**

NOV 01 1994

EXHIBIT A  
T  
ETTY PLACE  
HOLMAN DRIVE  
WATER PL + T

HOLMAN DITCH

26 (S5E7)

25 Holman ditch

V222  
1964

666 8 MAR 1 8 1993

1  
1  
1

REPRODUCTION OF ALL INFORMATION CONTAINED  
HEREIN IS UNLAWFUL

PLATE NUMBER: 87-10000

1. NAME: JAMES EARL RAY  
2. DATE OF BIRTH: 10-10-1928  
3. PLACE OF BIRTH: MOBILE, ALABAMA  
4. OCCUPATION: MEMBER OF THE BLACK PANTHER PARTY

5. ADDRESS: 1000 1/2 AVENUE  
6. CITY: MOBILE  
7. STATE: ALABAMA  
8. ZIP: 36688

9. PHONE: 205-666-1000

10. EDUCATION: HIGH SCHOOL GRADUATE  
11. MARITAL STATUS: SINGLE  
12. RELIGION: METHODIST  
13. RACE: WHITE

14. HEIGHT: 5' 10"  
15. WEIGHT: 175 LBS  
16. HAIR: BROWN  
17. EYES: BLUE

18. TATTOOS: NONE

19. SCARS: NONE  
20. ALIEN STATUS: NATURALIZED CITIZEN

21. CRIMINAL RECORD: NO RECORD  
22. EMPLOYMENT HISTORY: WORKED FOR THE U.S. AIR FORCE  
23. CURRENT RESIDENCE: 1000 1/2 AVENUE, MOBILE, ALABAMA 36688

MICROFILMED  
NOV 0 1 1994

המחלקה המרכזית

המחלקה המרכזית

המחלקה המרכזית

המחלקה המרכזית

המחלקה המרכזית

6/15/93  
W/A

המחלקה המרכזית

W/A

המחלקה המרכזית  
המחלקה המרכזית  
המחלקה המרכזית

AT PLATM # A77-10000 DEPUTY NAME: AE-9A-1000  
NO DEPUTY NO NAME STOP DEPUTY NO NAME AUTO AT PLATM  
DEPUTY NAME DEPUTY  
DEPUTY NAME DEPUTY NAME DEPUTY NAME DEPUTY NAME

"J" buried her

Notice from County Records indicates when was "located".  
No proof the note was actually directed or used at this time.  
Revised the note - appears to be as valid as other  
affidavits of use received by SBA claims.  
No evidence to support to contradict claimed date.

8-2-93  
su

S-24-1888

12-29-93

MICROFILMED  
NOV 0 1 1994

AT PLATE TOTAL OF SUBSTANCES AND COMPOUNDS

| DATE   | TIME | TEMP | 1/A | 1/B | 1/C | TOTAL |
|--------|------|------|-----|-----|-----|-------|
| 1/1/80 | 11N  | 100  | 90  | 100 | 100 |       |

AT PLATE TOTAL CAMP AT 100  
A DEPOSIT  
NONE

COMPOUND: CALKON STUFF

NOTE: CALKON STUFF

AT TOTAL OF SUBSTANCES AND COMPOUNDS

WATER TO 10 WATER RIGID RECORD WITH THE CAMP PLATE NUMBER

COMPOUND: 100 COMPOUND FOR RECORD

NOTE: 100 TOTALITY FOR RECORD

AT TOTAL OF SUBSTANCES AND COMPOUNDS

| DATE   | TIME | TEMP | 1/A | 1/B | 1/C | TOTAL |
|--------|------|------|-----|-----|-----|-------|
| 1/1/80 | 11N  | 100  | 90  | 100 | 100 |       |

COMPOUND:

Confirmed by field team and U72 top map.

AT PLATE TOTAL OF SUBSTANCES AND COMPOUNDS

| DATE   | TIME | TEMP | 1/A | 1/B | 1/C | TOTAL |
|--------|------|------|-----|-----|-----|-------|
| 1/1/80 | 11N  | 100  | 90  | 100 | 100 |       |

11N 100 20 SW SE NE 7 30

COMPOUND:

Salmon R.

TYPE:

NAME:

Snake River

12-29-93

**CONCLUSIONS**

222

X

[illegible]

END OF

✓22-

12-29-93

**MICROFILMED**  
**NOV 01 1994**

ΑΤ ΠΙΛΩΤΗ ΜΕΡΟΣ

ΑΠΟΛΟΓΟΣ ΤΕΛΕΥΑΤΗ

ΜΟΝΗΛ/ΠΑΥ  
ΕΡΩΑ ΔΑ ΔΙ ΤΩ 11 ΔΙ

5-16 9-30

ΤΟΤΑΛ ΤΙΣΕΚΤΟΝ ΡΑΤΕ ΔΙΟΤΙΔΕΤ ΟΥ ΑΥΔΗΤΗ

ΤΙΣΕΚΤΟΝ ΟΥΔΑΥΤΗ  
160 ΡΕΚ  
160 ΡΕΚ

ΠΕ ΔΕΚΕΚΤΟΝ ΜΕΡΟΣ

ΠΙΠΡΟΚΕΚ

ΜΟΝΗΛ/ΠΑΥ

ΤΙΣΕΚΤΟΝ ΟΥΔΑΥΤΗ

ΔΕΚΕΚΤΟΝ ΕΙ ΔΕ

ΕΙΠΗ ΠΥΛΗ ΔΕΚΕΚΤΟΝ

ΤΗΡ ΤΗ ΜΑΡΕΚ-ΙΟΚ ΤΙΣΕΚΤΟΝ/Υ? (Υ/Ν)  
ΤΗΡ ΤΗ ΤΙΣΕΚΤΟΝ ΡΑΤΕ ΤΙΣΕΚΤΟΝ/Υ? (Υ/Ν)  
ΤΗΡ ΤΗ ΔΕΚΤΟΝ ΡΕΚ/ΤΗ ΤΙΣΕΚΤΟΝ/Υ? (Υ/Ν)

ΠΑΡΑΚΕΚ ΕΥΔΗΤΗ  
Υ  
Υ  
Υ

HY

ΔΕΚΤΟΝ ΟΥ ΜΕΡΟΣ

ΔΕΚΕΚΤΟΝ ΑΣΤΥΑΤΗΡ  
ΔΕΚΕΚΤΟΝ ΤΗ ΜΕ ΔΕΚΕΚΤΟΝ ΟΥ ΔΕΚΕΚΤΟΝ  
ΟΥΔΑΥΤΗ

STL Maan

Υ/ Ν/ Δ/ Υ/ Ν/ Δ/ Υ/ Ν/ Δ/

ΔΕΚΤΟΝ ΤΗ ΜΕΡΟΣ

1. THE INFORMATION DATE OF THE ABOVE WITH THE FOLLOWING INFORMATION

Y/N ☒

AT THE DATE OF THE INFORMATION DATE

0.100

0.00

IT IS TO BE NOTED THAT THE INFORMATION DATE IS NOT THE DATE OF THE INFORMATION DATE. IT IS THE DATE OF THE INFORMATION DATE. IT IS THE DATE OF THE INFORMATION DATE.

THE INFORMATION DATE

THE INFORMATION DATE

THE INFORMATION DATE

Y

☒

THE INFORMATION DATE

*Current meter*

THE INFORMATION DATE

SEE ATTACHED CALCULATIONS

2. THE INFORMATION DATE OF THE ABOVE WITH THE FOLLOWING INFORMATION

AT THE DATE OF THE INFORMATION DATE

*Current meter*

IT IS TO BE NOTED THAT THE INFORMATION DATE IS NOT THE DATE OF THE INFORMATION DATE. IT IS THE DATE OF THE INFORMATION DATE.

THE INFORMATION DATE

THE INFORMATION DATE

THE INFORMATION DATE

THE INFORMATION DATE

0.100

0.00

THE INFORMATION DATE

MICROFILMED  
NOV 0 1 1994

TREATMENT DATE

6

0.12

PRO

WEEKS SINCE LAST VISIT = 12

Y/N

ALL THE VES ADDITIONAL WATER USE FROM STERN AND ADDITIONAL

TREATMENT CONSUMPTION USE

WATER CONSUMPTION USE =

20.5

WATER CONSUMPTION USE =

20.5

TOTAL CONSUMPTION USE

40.5

TREATMENT TREATMENT UNIT

WATER TREATMENT UNIT =

40.5

WATER TREATMENT UNIT =

40.5

TOTAL TREATMENT UNIT

40.5

WATER TREATMENT UNIT

WATER TREATMENT UNIT

WATER TREATMENT UNIT

Client Contact needed for unclaimed amount now verified.

See 12-29-93



Complete the Hubble Analysis for this night and forward 1 additional flows are needed to indicate these acco.

2) additional flows are diverted as per measurement to this place of use.

\*allow for 6.0 acco:

0.052 cfs/hr (on Hubble)  
= 0.31 cfs field Requirement

+ 0.41 Compliance loads

0.72 TOTAL CFS

DESCRIPTION:

DATE  
DESCRIPTION

DATE  
DESCRIPTION

DATE  
DESCRIPTION

DATE  
DESCRIPTION

DATE  
DESCRIPTION

IRRIGATION

5-1 9-30

0.77

N/A

12.0

DATE  
DESCRIPTION

DATE  
DESCRIPTION

5-1

DATE  
DESCRIPTION

1-20-94

12.0-1

MICROFILMED  
NOV 0 1 1994

1. CHECK FOR THE EXISTING PLAT APPLY:

| APPROVED | APPROVED |
|----------|----------|
| AS PLAT  | DEPT     |
| /        | /        |
| /        | /        |
| /        | /        |

2. CITE WATER RIGHT RETURN

WATER RIGHT NUMBER: 77-10A00  
TOTAL RETURN DATE OF THE CITE

PLAT

PLAT

PLAT

CITE:

WATER RIGHT NUMBER

WATER RIGHT PLAT NUMBER

RETURN DATE

RETURN AS PLAT

WATER RIGHT

WATER RIGHT NUMBER

RETURN DATE

TOTAL

PLAT

PLAT

PLAT

ON THE DAY OF THE CITE THE TOTAL RETURN DATE OF THE CITE (V/V)

REMARKS:

N/A

APPROVED: *Steve Allen*

DATE: 12-29-93

TIME:

[illegible]

1971  
1972

1

12.0

11. 12

15

10  
 7  
 5  
 3  
 1

1

1

Comments:

NOV 01 1994

demanded claim  
See  
1-20-94

# CONVEYANCE LOSS - WORSTELL

| REACH  | LENGTH<br>(FT) | AVE<br>WIDTH<br>(FT) | SEEPAGE<br>(FT/DAY) | WORSTELL<br>LOSS<br>(CFS) | DELIVERY<br>(CFS) | DELIVERY<br>LEFT<br>(CFS) | LOSS<br>FACTOR | DELIVERY<br>LOSS<br>(CFS) | FLOW<br>(CFS) |
|--------|----------------|----------------------|---------------------|---------------------------|-------------------|---------------------------|----------------|---------------------------|---------------|
| 1      | 4700           | 5.0                  | 2.00                | 0.59                      |                   | 0.83                      | 0.7154         | 0.00                      | 1.70          |
| 2      | 1800           | 3.0                  | 2.00                | 0.14                      |                   | 0.83                      | 0.1644         | 0.46                      | 1.10          |
| 3      | 1800           | 3.0                  | 2.00                | 0.14                      |                   | 0.31                      | 0.4401         | 0.41                      | 0.45          |
| 4      |                |                      |                     | 0.00                      |                   | 0.00                      | 0.0000         | 0.00                      | -0.00         |
| 5      |                |                      |                     | 0.00                      |                   | 0.00                      | 0.0000         | 0.00                      | -0.00         |
| 6      |                |                      |                     | 0.00                      |                   | 0.00                      | 0.0000         | 0.00                      | -0.00         |
| 7      |                |                      |                     | 0.00                      |                   | 0.00                      | 0.0000         | 0.00                      | -0.00         |
| 8      |                |                      |                     | 0.00                      |                   | 0.00                      | 0.0000         | 0.00                      | -0.00         |
| 9      |                |                      |                     | 0.00                      |                   | 0.00                      | 0.0000         | 0.00                      | -0.00         |
| 10     |                |                      |                     | 0.00                      |                   | 0.00                      | 0.0000         | 0.00                      | -0.00         |
| 11     |                |                      |                     | 0.00                      |                   | 0.00                      | 0.0000         | 0.00                      | -0.00         |
| 12     |                |                      |                     | 0.00                      |                   | 0.00                      | 0.0000         | 0.00                      | -0.00         |
| 13     |                |                      |                     | 0.00                      |                   | 0.00                      | 0.0000         | 0.00                      | -0.00         |
| 14     |                |                      |                     | 0.00                      |                   | 0.00                      | 0.0000         | 0.00                      | -0.00         |
| 15     |                |                      |                     | 0.00                      |                   | 0.00                      | 0.0000         | 0.00                      | -0.00         |
| 16     |                |                      |                     | 0.00                      |                   | 0.00                      | 0.0000         | 0.00                      | -0.00         |
| 17     |                |                      |                     | 0.00                      |                   | 0.00                      | 0.0000         | 0.00                      | -0.00         |
| 18     |                |                      |                     | 0.00                      |                   | 0.00                      | 0.0000         | 0.00                      | -0.00         |
| 19     |                |                      |                     | 0.00                      |                   | 0.00                      | 0.0000         | 0.00                      | -0.00         |
| 20     |                |                      |                     | 0.00                      |                   | 0.00                      | 0.0000         | 0.00                      | -0.00         |
| TOTALS | 8300           |                      |                     | 0.87                      |                   | 0.83                      |                | 0.87                      |               |

REACH = SECTION OF CHANNEL  
 LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES  
 OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS  
 AVE WIDTH = AVERAGE TOP WIDTH OF REACH  
 SEEPAGE = SOIL SEEPAGE RATE OF REACH  
 WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD  
 DELIVERY = TOTAL DELIVERIES IN REACH  
 DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)  
 LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT  
 DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,  
 REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH  
 FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

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 NOV 0 1 1994

CLAIM NO. --- A72-10488  
 AGENT ----- SCC  
 DATE ----- 12/29/93

Lotus Program:  
 IRR-PRAC.WK3  
 Date form revised:  
 4/21/93 by KKC

\*\*\*\*\*  
 SOIL CHARACTERISTICS

Soil Type = BK1; BOCK...SILT LOAM, LOAM, GRAVELLY LOAM, FINE SANDY  
 Source of Soils Data = Printout From SCS State Office

| soil depth<br>(inches) |       | AWC<br>(in/in) |       | PH    |       | organic<br>(%) |       | soil depth<br>(ft) | AWC<br>(inches) | intake<br>family |        |
|------------------------|-------|----------------|-------|-------|-------|----------------|-------|--------------------|-----------------|------------------|--------|
| lower                  | upper | lower          | upper | lower | upper | lower          | upper |                    |                 | flood            | furrow |
| 0                      | 18    | 0.14           | 0.2   | 6.6   | 8.4   | 1              | 3     | 1                  | 2.04            | 2                | 0.55   |
| 18                     | 48    | 0.14           | 0.2   | 7.4   | 8.4   |                |       | 1                  | 2.21            |                  |        |
| 48                     | 60    | 0.03           | 0.05  | 7.4   | 8.4   |                |       | 3                  | 6.12            |                  |        |
|                        |       |                |       |       |       |                |       | 4                  | 8.16            | alternate        |        |
|                        |       |                |       |       |       |                |       | 5                  | 8.64            | method           |        |
|                        |       |                |       |       |       |                |       |                    |                 | NA               | NA     |

Management Allowed Deficit (MAD)

| crop                     | root<br>depth<br>(ft) | stress<br>point (INCHES) | MAD  |
|--------------------------|-----------------------|--------------------------|------|
| alfalfa (hay or seed)    | 5                     | 0.5                      | 4.32 |
| corn (field or silage)   | 4                     | 0.5                      | 4.08 |
| grain (winter or spring) | 4                     | 0.5                      | 4.08 |
| pasture (or grass hay)   | 3                     | 0.5                      | 3.06 |
| other (enter below)      |                       |                          |      |

FIELD NOTES AND CALCULATIONS

|                                                      | FIELD 1   | FIELD 2 | FIELD 3 | FIELD 4 |
|------------------------------------------------------|-----------|---------|---------|---------|
| FIELD WIDTH                                          | 1000      | 0       |         |         |
| IRRIGATION DAYS                                      | 13.3      |         |         |         |
| DRY DAYS                                             | 0         |         |         |         |
| SET TIME(hours)                                      | 8         |         |         |         |
| CALCULATED RUN (run = acres*43560/width)             |           |         |         |         |
| LENGTH (RUN) =                                       | 261       |         |         |         |
| CALCULATED BORDER WIDTH (ditch length/irr days * cha |           |         |         |         |
| WIDTH =                                              | 25        |         |         |         |
| THEORETICAL ROTATION (mad/net irr req in inches per  |           |         |         |         |
| SELECTED MAD =                                       | 3.06      |         |         |         |
| ROTATION =                                           | 13.3 DAYS |         |         |         |

\*\*\*\*\*

PEAK IRRIGATION DIVERSION REQUIREMENT AT FIELD

Weather Station = CHALLIS  
 Figure No = 10-15

| crop    | acres | system | recomm.<br>eff. | Net Irrigation Requirement (mm/day) |      |      |      |      |      |      |      |
|---------|-------|--------|-----------------|-------------------------------------|------|------|------|------|------|------|------|
|         |       |        |                 | mar                                 | apr  | may  | jun  | jul  | aug  | sep  | oct  |
| PASTURE | 6     | FLOOD  | 13              |                                     | 1.47 | 3.84 | 4.87 | 5.86 | 4.56 | 3.23 | 2.07 |
| ALFALFA |       | FLOOD  |                 |                                     | 1.28 | 4.51 | 5.65 | 6.25 | 4.45 | 2.52 | 0.7  |

| Summary | 6 | 13 | 1.47 | 3.84 | 4.87 | 5.86 | 4.56 | 3.23 | 2.07 |
|---------|---|----|------|------|------|------|------|------|------|
|---------|---|----|------|------|------|------|------|------|------|

Peak Net Irrigation Requirement (mm/day) = 5.86

\*\*\*\*\*

Program Operation based upon

"GUIDELINES FOR THE EVALUATION OF IRRIGATION DIVERSION RATES"

HUBBLE ENGINEERING INC. OCTOBER 1991

Soil Characteristics based upon

SOIL CONSERVATION SERVICE STUDIES

Peak Irrigation Diversion based upon ALLEN & BROCKWAY WEATHER INFORMATION 1983

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NOV 9 1 1994

# GRADED BORDER EVALUATION

Job name: A72-10488  
By: SCC

Location: BK1 SOIL - 6 ACRES  
Date: Dec 29, 1993

Roughness coefficient (n)= 0.250 Intake family (If)=2.00  
Slope (S)= 0.0100 ft/ft Border width (W)= 25 ft  
Net application (Fn)= 3.06 inches Border length (L)= 261 ft  
Inflow time (Ti)= 8 hours, 0 minutes

| Flow per<br>Border<br>(cfs) | Unit<br>Flow<br>(cfs/ft)                                  | Gross<br>Application<br>(in) | Deep<br>Percolation<br>(in) | Runoff<br>(in) | Application<br>Efficiency<br>(percent) | Note |
|-----------------------------|-----------------------------------------------------------|------------------------------|-----------------------------|----------------|----------------------------------------|------|
| 0.28                        | Gross depth is less than required gross application depth |                              |                             |                |                                        |      |
| 0.29                        | Gross depth is less than required gross application depth |                              |                             |                |                                        |      |
| 0.30                        | Gross depth is less than required gross application depth |                              |                             |                |                                        |      |
| 0.31                        | 0.012                                                     | 16.42                        | 13.24                       | 0.12           | 18.6                                   |      |
| 0.32                        | 0.013                                                     | 16.95                        | 13.24                       | 0.65           | 18.1                                   |      |
| 0.33                        | 0.013                                                     | 17.48                        | 13.24                       | 1.18           | 17.5                                   |      |
| 0.34                        | 0.014                                                     | 18.01                        | 13.24                       | 1.71           | 17.0                                   |      |

$$\frac{0.31 \text{ cfs}}{6.0 \text{ Ac}} = 0.0516 \text{ cfs/Ac}$$

MICROFILM  
NOV 01 1994

大五

天

24

88401

A72-104515  
1. BLUE ANALYSIS

12-29-93  
SCC

**MICROFILMED**  
NOV 01 1994

EXHIBIT 7  
GETTY PLACE  
HOLMAN  
DRAFT

## Notes:

HOLMAN DITCH  
POD

$$N = 1$$

CLAIMED  
point of divergence

25 Holman ditch

[illegible]

60A0

phase of use

Don

Lyons-Thompson

07110

5' x 4' 00" 26  
3' x 4' 50" CONFORMANCE LENGTH

A22

1800' 15' Division 1000'

10

Prav 261

MAR 18 1993

A72-10488

## GRADED BORDER EVALUATION

Job name: UNKNOWN HOLMAN D. POU  
By: SCC

Location: BK1 SOIL - 10 ACRES  
Date: Dec 29, 1993

Roughness coefficient (n) = 0.250

Intake family (If) = 2.00

Slope (S) = 0.0100 ft/ft

Border width (W) = 43 ft

Net application (Fn) = 3.06 inches

Border length (L) = 256 ft

Inflow time (Ti) = 8 hours, 0 minutes

| Flow per<br>Border<br>(cfs) | Unit<br>Flow<br>(cfs/ft)                                  | Gross<br>Application<br>(in) | Deep<br>Percolation<br>(in) | Runoff<br>(in) | Application<br>Efficiency<br>(percent) | Note: |
|-----------------------------|-----------------------------------------------------------|------------------------------|-----------------------------|----------------|----------------------------------------|-------|
| 0.50                        | Gross depth is less than required gross application depth |                              |                             |                |                                        |       |
| 0.51                        | Gross depth is less than required gross application depth |                              |                             |                |                                        |       |
| 0.52                        | 0.012                                                     | 16.33                        | 13.24                       | 0.03           | 18.7                                   |       |
| 0.53                        | 0.012                                                     | 16.64                        | 13.24                       | 0.34           | 18.4                                   |       |
| 0.54                        | 0.013                                                     | 16.95                        | 13.24                       | 0.65           | 18.0                                   |       |
| 0.55                        | 0.013                                                     | 17.27                        | 13.24                       | 0.97           | 17.7                                   |       |
| 0.56                        | 0.013                                                     | 17.58                        | 13.24                       | 1.28           | 17.4                                   |       |
| 0.57                        | 0.013                                                     | 17.90                        | 13.24                       | 1.60           | 17.1                                   |       |
| 0.58                        | 0.013                                                     | 18.21                        | 13.24                       | 1.91           | 16.8                                   |       |
| 0.59                        | 0.014                                                     | 18.52                        | 13.24                       | 2.22           | 16.5                                   |       |

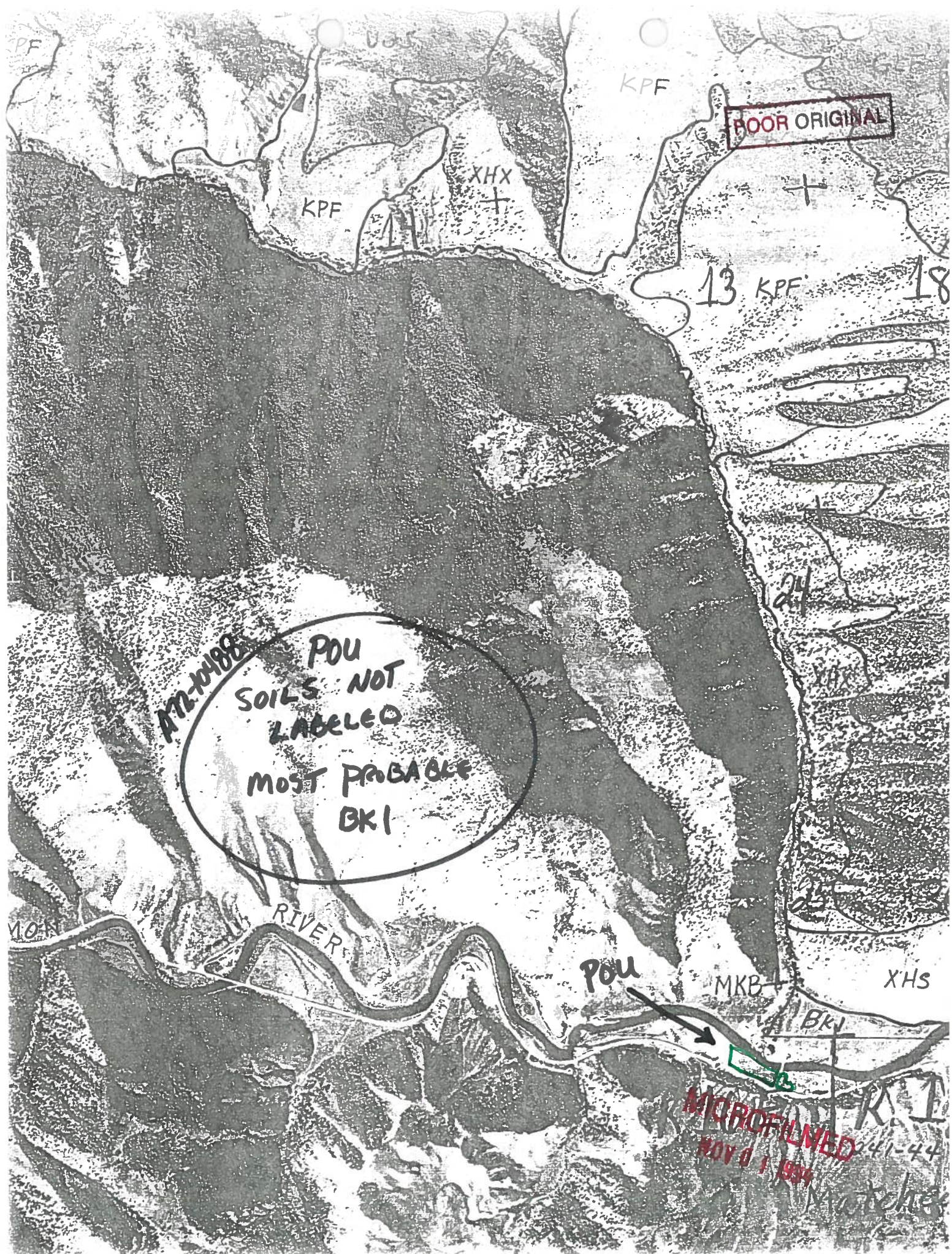
$$\frac{0.52 \text{ cfs}}{10 \text{ Ac}} = 0.052 \text{ cfs/Ac.}$$

12-29-93 see

this property is west of the POU under claim A72-10488. It is the 1<sup>st</sup> Diversion user of the water in Holman Ditch prior to use at A72-10488 POU.

Note same soils and same per acre rate, for comparison.

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NOV 01 1994



POOR ORIGINAL

A72-14988 POU  
SOILS NOT  
LABELED  
MOST PROBABLE  
BKI

POU

MKB

XHS

BKI

MICROFILMED  
NOV 1 1984

Matche

241-42

A72-16/88

SOILS  
MAP

POOR ORIGINAL

18

XHT

GLT

19

XHX

20

VSF

KPF

XHX

XHS

DAF

BKI

BKI

SIMILAR  
SOILS  
ARE  
IDENTIFIED  
XHS

KPF  
30

BKI

BKI

CNB

VSF

MICROFILMED  
NOV 01 1988

SOIL

29

BKI

CNB

KPF

MC

XH

Wcl

MC

XHS

ADOF ORIGINAL

835  
Fish Screen

NOV 01 1994  
MICROFILMED

Pou

CLAIM 472-10488 INIT Sec  
T. R. S. Q/Q 12-29-93  
P/D  
PHOTO B2M ACIAL 5-3A-5  
DT. SID. 7-1-88 472/473

Johnston & Couch  
A.L. July 7 1888

INDEXED AND RECORDED

THE LECT

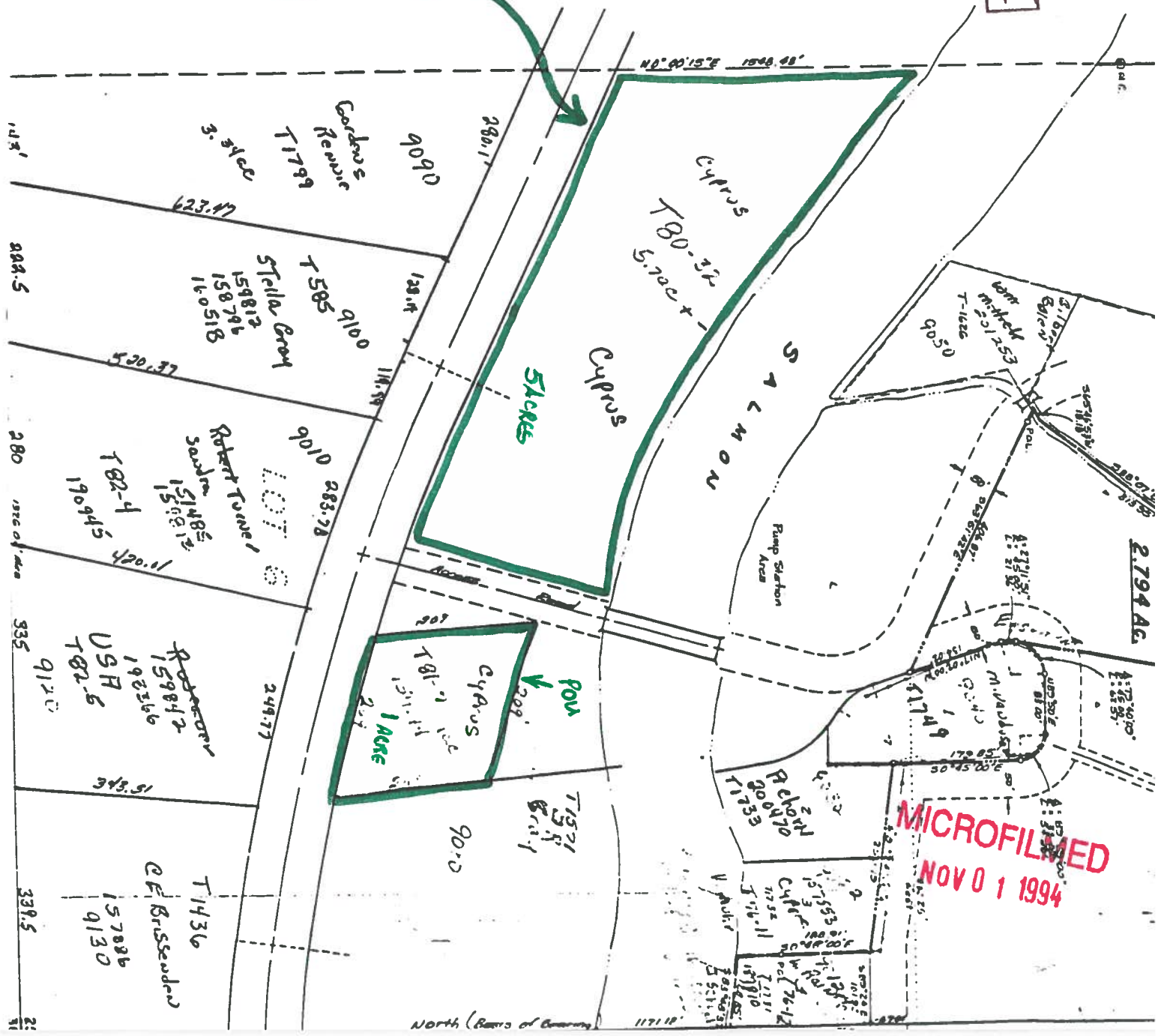
Thompson

POOR ORIGINAL

**LEGEND**

- 1" Steel Bar with Yellow Plastic Cap
- 1" J.C. 45 BTD - as Boundary
- or Point-on-line
- Steel Pipe
- 3" Corner - Corner Not Set
- Post
- Steel Spike
- Corner, Quarter Corner, or 1/4 Corner
- Cap
- Line

6 ACRES  
Pay  
A72-10488



Scale: 1" = 200'.  
By J.F.N. 69  
UP-Dated  
Nov 69  
J.F.N.

Ref: or  
50022  
1500-89

Robt  
Turner  
1998-74

EC. 25

Pos

Род

10.0005  
Cyrus: Mins  
80-37  
9060-37

Sec. 23

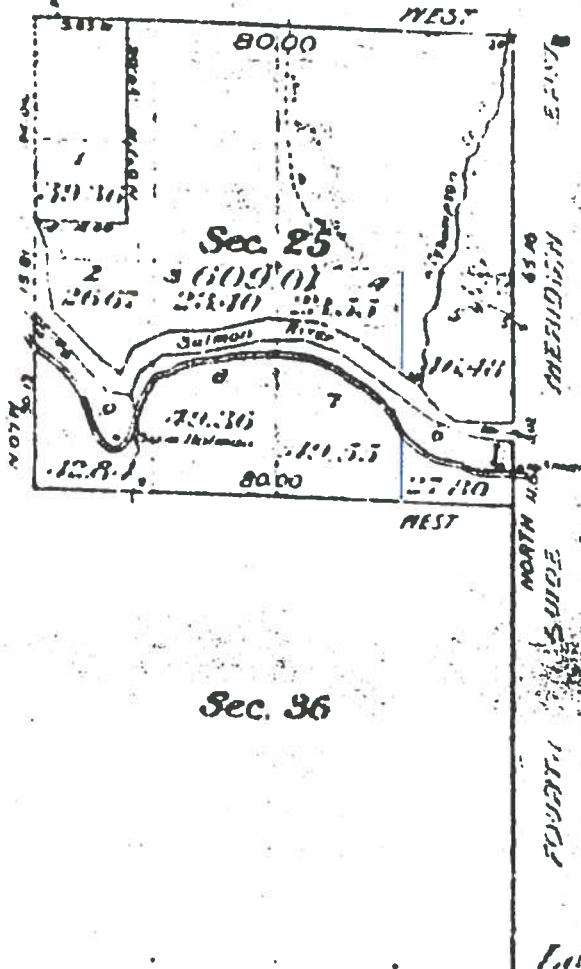
Sec. 24

POOR ORIGINAL

Sec. 26

Sec. 35

Sec. 36



| Areas in Ac.       |  |
|--------------------|--|
| Public Land        |  |
| Indian Reservation |  |
| Indian Allotments  |  |
| Mineral Claims     |  |
| Water Surface      |  |
|                    |  |
| Total Area         |  |

Lat: 44° 11' 10" N.  
Long: 114° 28' W.

Scale 40 Ch

Mean Magnetic Declina

## T11N R16E

The above map of Township No. 11 North Range No. 16 East of the 1st Meridian Idaho is strictly conformable to the field notes of the survey in this office, which have been examined and approved.

U. S. Surveyor General's Office,

Boise, Idaho, September 27, 1911.

*Quinn A.*  
Survey

MICROFILMED  
NOV 01 1994

NAME OF STREAM OR DITCH ----- HOLMAN DITCH; SALMON RIVER  
 LOCATION ----- HEADGATE AT RIVER, ABOVE SCREEN S38  
 PURPOSE OF MEASUREMENT -- ADJUDICATION REVIEW  
 BASIS OF VELOCITY CALCULATIONS ----- 1  
 IF YOU ARE USING A PYGMY METER ENTER ----- 2  
 IF YOU ARE USING A AA METER ENTER ----- 2  
 ENTRY ----- =

WATER RIGHT NUMBER IF APPLICABLE -----  
 AGENT CONDUCTING MEASUREMENT & DATE -- SCC 6-15-93  
 ACCOMPANIED BY ----- N/A  
 PREMEASUREMENT SPIN TEST (MIN/SEC) --- OK 2:40  
 POST MEASUREMENT SPIN TEST (MIN/SEC) - OK 2:40

FOLLOWING THE LAST ENTRY IN:  
 "DISTANCE FROM INIT PT" ENTRY MUST = "END"

| INITIAL POINT | ANGLE<br>OF<br>COEFFICIENT | DISTANCE<br>FROM<br>INIT PT | DEPTH<br>IN<br>FEET | CALC<br>DEPTH<br>END PTS | VELOCITY DATA                  |                                |          | CALC<br>WIDTH | AREA<br>IN<br>SQ FT | CALCULATED VELOCITY |                 |                  | DISCHARGE<br>IN CFS |
|---------------|----------------------------|-----------------------------|---------------------|--------------------------|--------------------------------|--------------------------------|----------|---------------|---------------------|---------------------|-----------------|------------------|---------------------|
|               |                            |                             |                     |                          | 1ST<br>MEASUREMENT<br>TIME/SEC | 2ND<br>MEASUREMENT<br>TIME/SEC | TIME/SEC |               |                     | 1ST<br>VELOCITY     | 2ND<br>VELOCITY | MEAN<br>VELOCITY |                     |
|               |                            | 0.59                        |                     | 0.35                     |                                |                                |          | 0.01          | 0.002               |                     |                 |                  |                     |
|               |                            | 0.60                        | 0.70                |                          | 30                             | 58.0                           |          | 0.21          | 0.144               | 1.15                |                 | 0.57             | 0.00                |
|               |                            | 1.00                        | 0.70                |                          | 23                             | 42.0                           |          | 0.45          | 0.315               | 1.21                |                 | 1.15             | 0.16                |
|               |                            | 1.50                        | 0.70                |                          | 26                             | 45.0                           |          | 0.50          | 0.350               | 1.28                |                 | 1.21             | 0.38                |
|               |                            | 2.00                        | 0.70                |                          | 27                             | 43.0                           |          | 0.50          | 0.350               | 1.39                |                 | 1.28             | 0.45                |
|               |                            | 2.50                        | 0.70                |                          | 24                             | 46.0                           |          | 0.50          | 0.350               | 1.39                |                 | 1.39             | 0.49                |
|               |                            | 3.00                        | 0.70                |                          | 24                             | 45.0                           |          | 0.50          | 0.350               | 1.16                |                 | 1.16             | 0.41                |
|               |                            | 3.50                        | 0.70                |                          | 23                             | 45.0                           |          | 0.50          | 0.350               | 1.18                |                 | 1.18             | 0.41                |
|               |                            | 4.00                        | 0.65                |                          | 24                             | 48.0                           |          | 0.50          | 0.325               | 1.13                |                 | 1.13             | 0.40                |
|               |                            | 4.50                        | 0.60                |                          | 21                             | 42.0                           |          | 0.50          | 0.300               | 1.11                |                 | 1.11             | 0.36                |
|               |                            | 5.00                        | 0.60                |                          | 20                             | 47.0                           |          | 0.50          | 0.300               | 0.95                |                 | 0.95             | 0.28                |
|               |                            | 5.50                        | 0.60                |                          | 19                             | 55.0                           |          | 0.40          | 0.240               | 0.77                |                 | 0.77             | 0.19                |
|               |                            | 5.80                        | 0.60                |                          | 15                             | 47.0                           |          | 0.15          | 0.093               | 0.72                |                 | 0.72             | 0.07                |
|               |                            | 5.81                        |                     | 0.30                     |                                |                                |          | 0.00          | 0.001               |                     |                 | 0.36             | 0.00                |
| END           |                            |                             |                     |                          |                                |                                |          |               |                     |                     |                 |                  |                     |
|               |                            |                             |                     |                          |                                |                                |          |               |                     |                     |                 |                  | 3.93                |

MICROFILMED  
 NOV 0 1 1994

3.93 cfs

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Water Right No.  
(if applicable)

## Open Channel Discharge Measurement Notes

### A. GENERAL INFORMATION

- GENERAL INFORMATION
1. Name of stream or ditch: (SALMON RIVER) Homan Creek Ditch (1<sup>st</sup> meas. @ RIVER)
2. Location: TIIN RICE S26 SENE
3. Person conducting measurement: STEVE CLELLAND
4. Date and time of measurement: 6-15-93 11:50 AM END 12:15 pm  
START
5. Accompanied by: NA
6. Measuring device size and ID no.' ~~OK~~ AA
7. Spin test before measurement OK? OK 2:40 min after measurement OK? OK
8. Purpose of measurement: AJ clams

## B. MEASUREMENT DATA

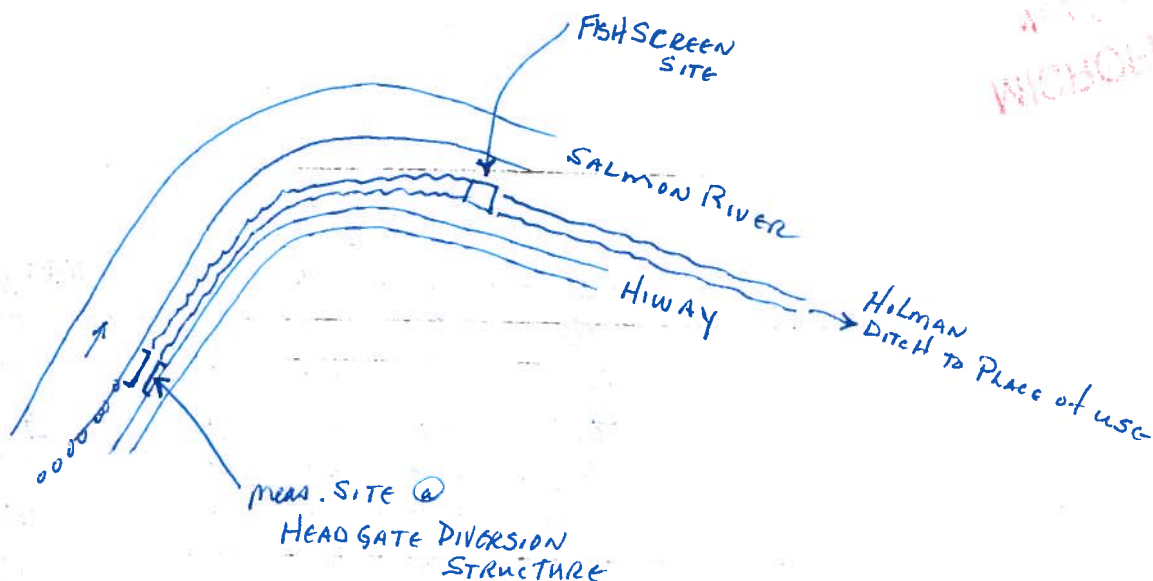
[illegible]

**MICROFILMED**  
**NOV 01 1994**

### C. DIAGRAMS

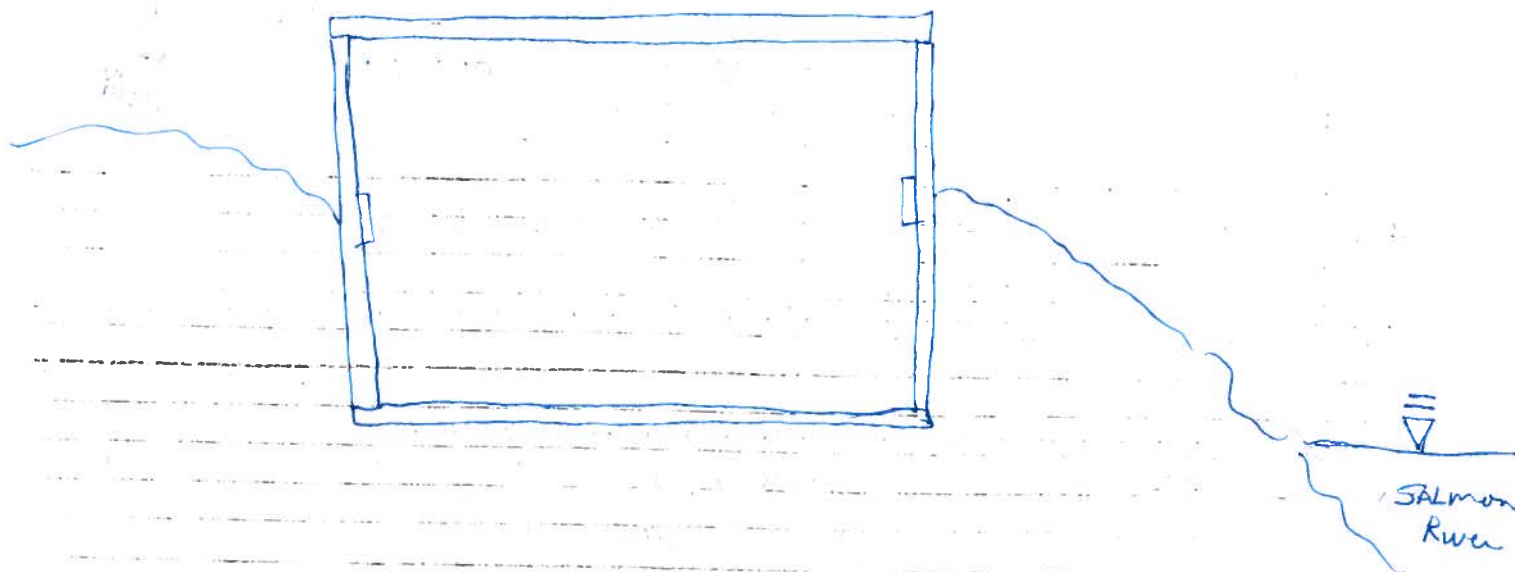
#### 1. Measurement Location

Scale: \_\_\_\_\_ = \_\_\_\_\_



#### 2. Cross-Section of Measurement

Scale \_\_\_\_\_ = \_\_\_\_\_



### D. SUMMARY INFORMATION

1. Measurement rated \_\_\_\_\_ excellent X good \_\_\_\_\_ fair \_\_\_\_\_ poor

2. Remarks: \_\_\_\_\_

3. Width: \_\_\_\_\_ Area: \_\_\_\_\_ Discharge in cubic feet per second: \_\_\_\_\_

6-15-93

DATE

*Steve Call*

SIGNATURE OF PERSON CONDUCTING MEASUREMENT

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Water Right No.  
(if applicable)

## Open Channel Discharge Measurement Notes

### A. GENERAL INFORMATION

1. Name of stream or ditch: (SALMON RIVER) Ditch (2ND MEAS. @ FIELDS)
2. Location: SNRA sign on hiway 75 TILN, RIBE, S25 NESW
3. Person conducting measurement: STEVE CLELLAND
4. Date and time of measurement: 6-15-93 12:40 pm
5. Accompanied by: N/A
6. Measuring device size and ID no.: AA
7. Spin test before measurement OK? OK 2:40 min after measurement OK? OK 2:20 min
8. Purpose of measurement: AJ CLAIMS

## B. MEASUREMENT DATA

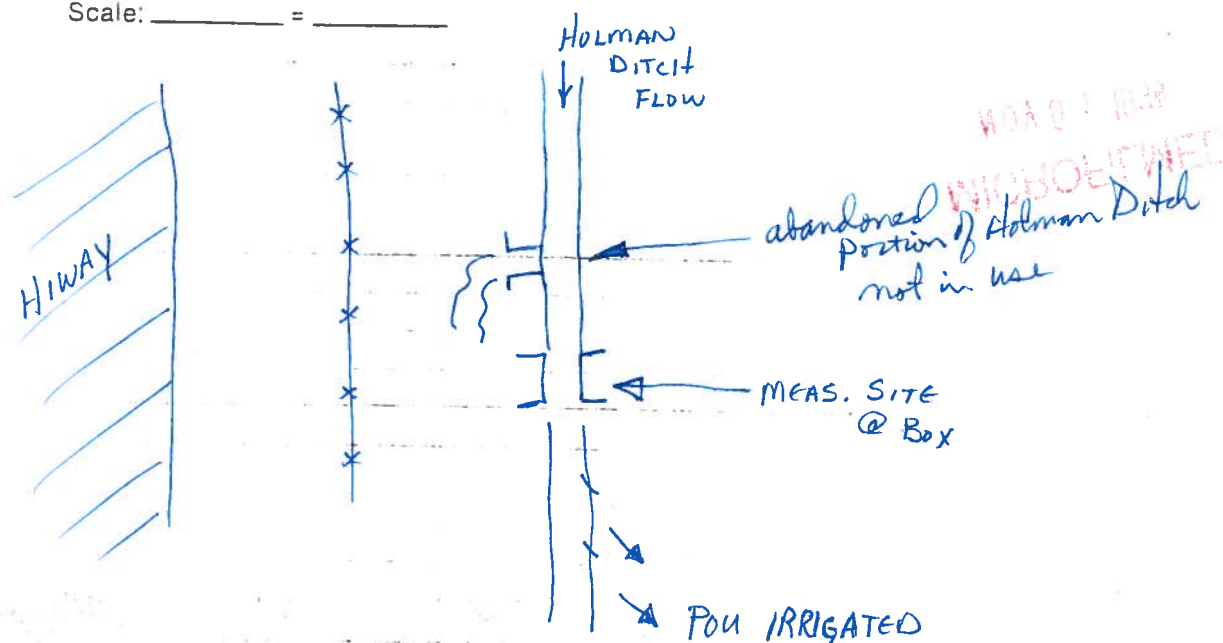
[illegible]

**MICROFILMED**  
**NOV 01 1994**

# C. DIAGRAMS

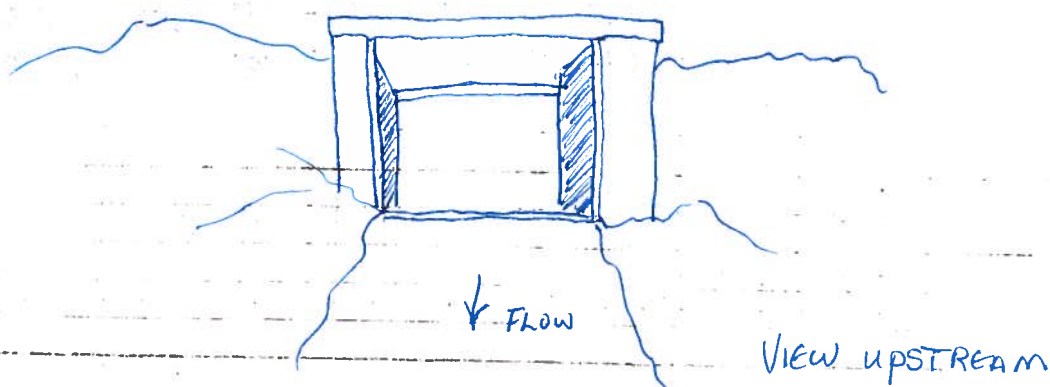
## 1. Measurement Location

Scale: \_\_\_\_\_ = \_\_\_\_\_



## 2. Cross-Section of Measurement

Scale \_\_\_\_\_ = \_\_\_\_\_



# D. SUMMARY INFORMATION

1. Measurement rated \_\_\_\_\_ excellent X good \_\_\_\_\_ fair \_\_\_\_\_ poor

2. Remarks: \_\_\_\_\_

3. Width: \_\_\_\_\_ Area: \_\_\_\_\_ Discharge in cubic feet per second: \_\_\_\_\_

DATE

6-15-93

SIGNATURE OF PERSON CONDUCTING MEASUREMENT

*Shirley Bell*

NAME OF STREAM OR DITCH ----- HOLMAN DITCH; SALMON RIVER  
 LOCATION ----- ABOVE 1ST DELIVERY, BELOW FISH SCREEN S38  
 PURPOSE OF MEASUREMENT --- ADJUDICATION REVIEW  
 BASIS OF VELOCITY CALCULATIONS  
 IF YOU ARE USING A PYGMY METER ENTER ----- 1  
 IF YOU ARE USING A AA METER ENTER ----- 2  
 ENTRY ----- =

WATER RIGHT NUMBER IF APPLICABLE -----  
 AGENT CONDUCTING MEASUREMENT & DATE -- SCC 6-15-93  
 ACCOMPANIED BY ----- N/A  
 PREMEASUREMENT SPIN TEST (MIN/SEC) --- OK 2:40  
 POST MEASUREMENT SPIN TEST (MIN/SEC) - OK 2:20

FOLLOWING THE LAST ENTRY IN:  
 "DISTANCE FROM INIT PT" ENTRY MUST = "END"

| INITIAL POINT | ANGLE<br>OF<br>COEFFICIENT INIT PT | DISTANCE<br>FROM<br>INIT PT | DEPTH<br>IN<br>FEET | CALC<br>DEPTH<br>END PTS | 1ST<br>MEASUREMENT<br>REVS | VELOCITY DATA              |          | CALC<br>WIDTH | AREA<br>IN<br>SQ FT | CALCULATED VELOCITY   |                       |                  | DISCHARGE<br>IN CFS |
|---------------|------------------------------------|-----------------------------|---------------------|--------------------------|----------------------------|----------------------------|----------|---------------|---------------------|-----------------------|-----------------------|------------------|---------------------|
|               |                                    |                             |                     |                          |                            | 2ND<br>MEASUREMENT<br>REVS | TIME/SEC |               |                     | 1ST POINT<br>VELOCITY | 2ND POINT<br>VELOCITY | MEAN<br>VELOCITY |                     |
| 1.99          |                                    |                             | 0.35                | 0.18                     | 40                         |                            | 58.0     | 0.00          | 0.001               | 1.52                  |                       | 0.76             | 0.00                |
| 2.00          |                                    |                             | 0.35                |                          | 50                         |                            | 42.0     | 0.26          | 0.089               | 2.61                  |                       | 1.52             | 0.14                |
| 2.50          |                                    |                             | 0.35                |                          | 50                         |                            | 45.0     | 0.50          | 0.175               | 2.44                  |                       | 2.61             | 0.46                |
| 3.00          |                                    |                             | 0.35                |                          | 44                         |                            | 43.0     | 0.50          | 0.175               | 2.25                  |                       | 2.44             | 0.43                |
| 3.50          |                                    |                             | 0.35                |                          | 40                         |                            | 46.0     | 0.50          | 0.175               | 1.92                  |                       | 2.25             | 0.39                |
| 4.00          |                                    |                             | 0.35                |                          | 30                         |                            | 45.0     | 0.38          | 0.113               | 1.47                  |                       | 1.92             | 0.34                |
| 4.50          |                                    |                             | 0.30                |                          | 0                          |                            |          | 0.13          | 0.039               | 1.03                  |                       | 1.47             | 0.17                |
| 4.75          |                                    |                             | 0.30                |                          |                            |                            |          | 0.01          | 0.001               | 0.72                  |                       | 0.00             | 1.92                |
| 4.76          |                                    |                             |                     | 0.15                     |                            |                            |          |               |                     |                       |                       |                  | 0.04                |
| END           |                                    |                             |                     |                          |                            |                            |          |               |                     |                       |                       |                  | 0.00                |

1.96  
cfs

*Calculated flows for  
 other stations based on  
 70% of previous velocity.*

10-20-93  
 Ser

1.96 cfs

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| Basin 72         |                      |           |  |
|------------------|----------------------|-----------|--|
| Screen           | Diversion Rate (cfs) | Head (ft) |  |
| VC-1             | 1.37                 | 0.80      |  |
| VC-2             | 0.88                 | 0.42      |  |
| VC-3             | 1.83                 | 1.84      |  |
| VC-4             | 0.59                 | 1.24      |  |
| VC-5             | 0.55                 | 0.77      |  |
| VC-6             | 0.53                 | 1.23      |  |
| THORNDICK S-23   | 1.39                 |           |  |
| HUTCHISON S-23A  | 0.52                 | 1.08      |  |
| GINY D. S-28     | 6.30                 | 3.20      |  |
| CHALLIS S-32     | 5.12                 | 3.10      |  |
| BAYHORSE S-33    | 1.75                 | 1.31      |  |
| BACKBAYH. S-33A  | 1.54                 | 1.46      |  |
| TUNNEL RK. S-33B | 2.79                 | 1.05      |  |
| HOLMAN S-38      | 2.47                 | 0.60      |  |
| S-39             | 2.12                 |           |  |
| S-39A            | 1.50                 | 1.18      |  |
| S-40             | 1.43                 | 1.93      |  |
| S-41             | 1.61                 | 2.87      |  |
| S-42             | 1.65                 | 1.90      |  |
| S-43             | 1.68                 | 3.30      |  |
| S-45             | 1.07                 | 0.60      |  |
| S-47             | 0.35                 | 0.51      |  |
| PC-1             | 1.10                 |           |  |
| EC-2             | 0.78                 | 1.30      |  |

Copy of Brett Barry's Measurement Results  
from Summer 1993.

for permit again.

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filed w/ this file for comparison of measurements.  
see  
12-29-93

A72-10488  
CYPRESS-TAMPSON

POOR ORIGINAL



PHOTO:  
R72-31  
hygee

8-10-93



SALMON  
RIVER  
FLOW

FLOW

FISH SCREEN S38 @  
HOLMAN DITCH

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A72-10488

Cyprus

Field Notes  
Sep 6-15-93

via Holman Ditch

POD found: SWSENE S26 T11N R16E

? proof: not clear or supportive of claim -  
→ appears as an affidavit by developer of right.

POU: Ditch system in place, pasture in use.

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A72-10488

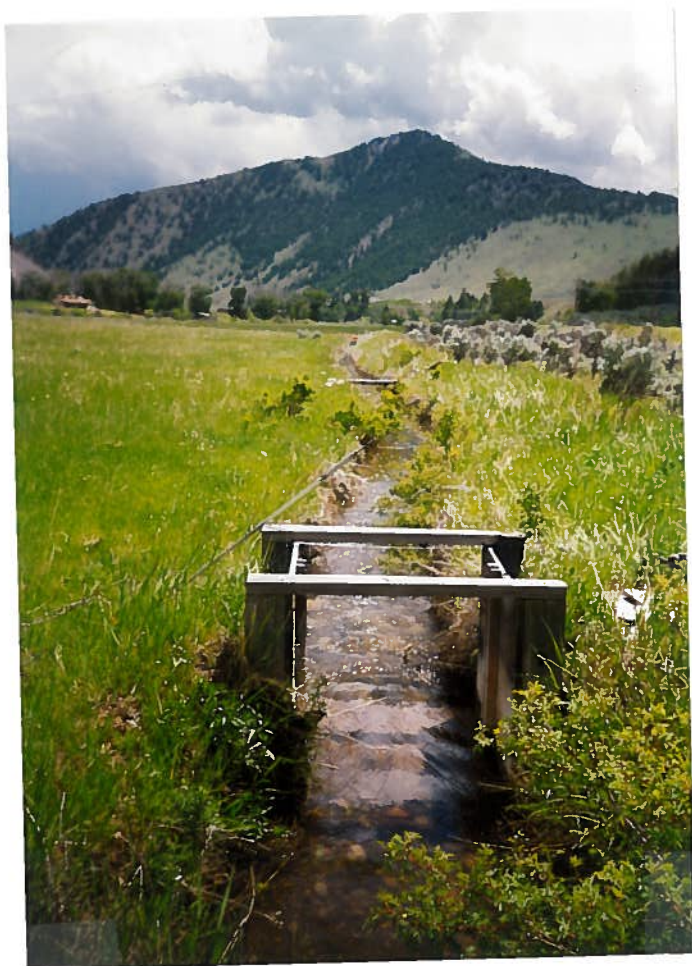
CYPRUS - Thompson

Photo: R12-13  
by SEC  
6-15-93



2ND MEAS. SITE @  
Holman Ditch  
ABOVE 1ST PLACE OF USE  
DIVERSION.

(meas. recorded 1.96 cfs)



POU ON THE LEFT OF  
THIS DITCH, NOT PART OF CLAIM A72-10488

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POOR ORIGINAL

A72-10488



Fence Line  
in yellow  
is property  
line.

Pou By Gravity System  
from HOLMAN Ditch.

5-25-93

A CULVERT UNDER ROAD EXISTS.

Photo:  
R72-6  
by SCC

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